

Supreme Court, U. S.  
FILED

OCT 28 1976

MICHAEL RODAK, JR., CLERK

No. 76-590

---

IN THE  
**SUPREME COURT OF THE UNITED STATES**

OCTOBER TERM, 1976

---

VELMA LEE SHUEY,  
*Petitioner,*

*v.*

UNITED STATES OF AMERICA

---

**Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Ninth Circuit**

---

ROGERS AND HAMMOND  
Attorneys at Law  
3 East Henderson Street  
Cleburne, Texas 76031

By: MICHAEL J. ROGERS  
*Attorney for Petitioner*

---

## INDEX

	Page
Opinions Below .....	1
Jurisdiction .....	1
Questions Presented .....	2
Constitutional Provisions Involved .....	3
Statement of Facts .....	3
Reasons for Granting the Writ .....	9
Conclusion .....	29
Certificate of Service .....	30
Appendix A (Opinion of Court of Appeals) .....	A- 1
Appendix B (Order Denying Motion for Rehearing).....	A-12
Appendix C (Confession of Velma Lee Shuey and attached Affidavit) .....	A-13

## CASE CITATIONS

	Page
<i>Brown v. Illinois</i> , 17 Cr. L. 3145 (1975) .....	23
<i>Collins v. Beto</i> , 348 F. 2d 823 (5th Circ., 1965) .....	24
<i>DeKorwin v. First National Bank of Chicago</i> , 155 F. Supp. 302, 305 .....	10
<i>Elkins v. United States</i> , 364 U.S. 206 (1960) .....	27
<i>Jones v. U.S.</i> , 279 Fed. 2d 433, certiorari denied .....	18
<i>Lee v. United States</i> , 235 Fed. 2d 219, U.S. App. D.C. 272 ....	12
<i>Lindsey v. United States</i> , 368 F. 2d 633, 636, certiorari denied, 386 U.S. 1025 .....	20
<i>MacKenna vs. Ellis</i> , 263 Fed. 2d 35, certiorari denied, 79 S.Ct. 1453, 360 U.S. 935, 3 L. Ed. 2d 1546 .....	11
<i>Masarosh v. United States</i> , 352 U.S. 1 (1956) .....	20, 21
<i>Miller v. Pate</i> , 386 U.S. 1 (1967) .....	19
<i>Miranda v. Arizona</i> , 385 U.S. 436 (1966) .....	23
<i>Mosley v. Smith</i> , 404 Fed. 2d 345 .....	14
<i>Musgrove v. Amon</i> , 435 Fed. 2d 1235 .....	14
<i>Nardone v. United States</i> , 308 U.S. 338, 341 .....	22
<i>Pritzler v. U.S.</i> , 81 S.Ct. 226, 364 U.S. 893, 5 L. Ed. 2d 190 .....	18
<i>Silverthorne Lumber Company v. United States</i> , 251 U.S. 385 (1920) .....	21, 22
<i>United States vs. Hall</i> , 488 Fed. 2d 193 .....	26
<i>United States v. Hunt</i> , 496 Fed. 2d 888 .....	26
<i>United States v. Parelius</i> , 83 F. Supp. 617, 618, (d.c. haw. 1949) .....	17
<i>United States v. Reynolds</i> , 169 F. Supp. 479 .....	10
<i>Weeks v. United States</i> , 232 U.S. 383 (1914) .....	21
<i>Wong Sun v. United States</i> , 371 U.S. 471 (1963) .....	21, 23, 24

No. 76-590

IN THE

## SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1976

VELMA LEE SHUEY,  
v. *Petitioner,*

UNITED STATES OF AMERICA

**Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Ninth Circuit**

The petitioner, Velma Lee Shuey, prays that a writ of certiorari issue to review the opinion and judgment of the United States Court of Appeals for the Ninth Circuit rendered in these proceedings on September 28, 1976.

**OPINIONS BELOW**

The opinion of the United States Court of Appeals for the Ninth Circuit, as yet unreported, appears at Appendix A, *infra*, pp. 1 through 11.

**JURISDICTION**

The opinion and order of the United States Court of Appeals for the Ninth Circuit affirming the conviction of the Petitioner, Velma Lee Shuey, for violation of one count of Title 18, United States Code,

Section 1952 and three counts of violation of Title 18, United States Code, Section 2422, was entered on September 28, 1976. This petition for certiorari was filed less than 30 days from the date aforesaid. A motion for rehearing had been timely filed, but was denied, Order appears in Appendix B, *infra*, p. 12, by the United States Court of Appeals for the Ninth Circuit on September 28, 1976.

### QUESTIONS PRESENTED

1. Whether the Trial Judge for the United States District Court for the District of Hawaii abused his discretion by reason of his overruling a motion to allow her attorney of record, Joseph L. Dwight, Jr., to withdraw?

2. Whether the Petitioner was substantially prejudiced and deprived of a fair trial by reason of her trial counsel, Joseph L. Dwight, Jr., being incompetent to defend her during the trial?

3. Whether the Petitioner was substantially prejudiced and deprived of a fair trial because the government used evidence during the trial that was obtained as result of an illegal confession, appears in Appendix C, pp. 13 through 105, *infra*, of the Petitioner which has been taken by law enforcement officers from the State of Texas which was made available to an investigating officer of the F.B.I.?

### CONSTITUTIONAL PROVISIONS INVOLVED

Constitution of the United States, Amendment V:

"No person shall . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law . . ."

Constitution of the United States, Amendment XIV:

". . . nor shall any state deprive any person of life, liberty, or property without due process of law . . ."

Constitution of the United States, Amendment IV:

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized."

### STATEMENT OF FACTS

Petitioner was indicted by a Grand Jury in the District of Hawaii, in Cause Number 74-123, on August 9, 1974. The indictment contained three counts in violation of Title 18, United States Code, Section 2422 and one count in violation of Title 18, United States Code, Section 1952. Trial was had and Petitioner was found guilty by a jury on all four counts on May 15, 1975. Judgment and commitment was entered on November 17, 1975, providing for imprisonment for a period of three years and a fine of One Thousand Dol-



lars (\$1,000.00) on each count with Counts I, II, III, and IV running concurrently, save and except to the fine. The Court thereafter set a Twenty Thousand Dollar (\$20,000.00) bond for the Petitioner which was posted.

A motion for judgment of acquittal and new trial was filed on May 21, 1975, and a memorandum in support thereof was filed on November 28, 1975. A hearing was held and the Court denied the motion on January 13, 1976. Notice of appeal was timely filed on January 22, 1976.

A hearing was held on May 5, 1975, concerning the attorney for the Petitioner, Joseph L. Dwight, Jr.'s, motion to withdraw. On May 3, 1975, the Petitioner learned for the first time that her attorney, Joseph L. Dwight, Jr., was suffering from a heart condition (S.F. p. 4). She stated to the Court that she "wasn't confident in him coming into the Courtroom in my behalf and fighting strong for me with him with a heart condition" (S.F. p. 4). Mr. Dwight admitted that he did have a heart condition and that he was on daily medication and had frequent consultations with his doctor. He advised the Court that he had not told his client because he was "still practicing law" (S.F. p. 4). Further, he had told another individual on Saturday, May 3, 1975, that he couldn't handle his case because of his heart condition (S.F. p. 7). The Petitioner had talked to David Schutter, an attorney, about representing her in the trial after she learned of Mr. Dwight's condition and he agreed to represent her. However, he had a setting for another trial which

conflicted with the Petitioner's trial date (S.F. p. 2). The Court denied the Petitioner's motion to allow Mr. Dwight to withdraw as well as the motion for continuance (S.F. p. 15).

Before the trial began, Mr. Dwight and Petitioner met with one of the co-defendants, Alexander Sakamoto, and his counsel. It was suggested by Mr. Dwight that duress be used as a defense for the Petitioner. Mr. Sakamoto vigorously objected and stated to Mr. Dwight, "You know what kind of man I am," (S.F. p. 294 m/n/t). The Petitioner urged this defense, but Mr. Dwight refused stating, "I don't want my ass shot." (S.F. 294 m/n/t).

Prior to the time the Petitioner took the witness stand during the trial, she again urged Mr. Dwight to go into matters of duress and specifically into the matters that she had been shot by the co-defendant Sakamoto. Again, Mr. Dwight refused. (S.F. p. 295 m/n/t). The Grand Jury of Johnson County, Texas, later indicted the co-defendant, Alexander Sakamoto, for having attempted to murder the Petitioner on May 8, 1974, which was several months prior to the Petitioner's indictment on the charges herein stated. On the night before the Petitioner took the witness stand, her automobile was stolen with a note and clipping left behind which was threatening in nature to the Petitioner (S.F. p. 295 m/n/t). When the Petitioner did take the stand, she did not testify concerning her fear of Sakamoto or his intimidation of her because she was in fear of her own well-being and safety. (S.F. p. 295 m/n/t). The Petitioner's fear of her co-defend-

ant can be corroborated by the statement that she made to the Texas law enforcement officers who interrogated her in the later part of May of 1974. This statement was not made a part of the record during the motion for new trial hearing because its existence had been denied by various state law enforcement agencies. It was not until after an opinion had been rendered by the United States Court of Appeals for the Ninth Circuit and the motion for rehearing had been denied that the Petitioner was able to secure access to this statement. The statement, which is described in great detail by witnesses during the motion for new trial hearing, makes many references by the Petitioner to her fear of the co-defendant, Alexander Sakamoto, long before there would have been any reason for her to do so.

After she had testified, before the end of the trial, the Petitioner attempted to call the Assistant United States Attorney, Mr. Eggers, and did talk to his wife. According to the Petitioner, she was very upset over Mr. Dwight's failure to go into matter of duress (S.F. p. 296 m/n/t). The Assistant United States Attorney stipulated that the Petitioner was very emotional and upset when she called his wife.

After the trial ended, her automobile was returned (S.F. p. 296 m/n/t). It must be noted that Mr. Dwight did not bring any of these matters concerning threats and intimidation to the attention to the Court.

After the Petitioner had been sentenced on November 17, 1975, she retained her present counsel (S.F. p. 4 m/n/t). Through the investigation of her attor-

ney, she learned that the F.B.I. had obtained access to a confession that she had given to state officers in Texas (S.F. p. 5 m/n/t). At the time of her arrest in Texas on May 23, 1974, by state law enforcement officers, the Petitioner was taken to Cleburne, Texas, where she was interrogated by Carlton C. Kennard, Clarence A. Stone, and Fred Beall for over five hours. (S.F. p. 8 m/n/t). No *Miranda* warnings were given to Petitioner. She gave a history of all of her activities including those matters which were the basis of the indictments against her in this case (S.F. p. 8 m/n/t). A court reporter for the Eighteenth Judicial District Court, Larry Shetter, was present and his affidavit attached to the Petitioner's memorandum was stipulated by the government. He verified that the Petitioner did not received her *Miranda* warnings before the interrogation began. Carlton C. Kennard testified that he nor anyone within his hearing gave the Petitioner her *Miranda* warning (S.F. p. 62 m/n/t). Also, Clarence A. Stone, who was present at the arrest and at the interrogation testified that he nor anyone within his hearing gave the Petitioner her *Miranda* warnings (S.F. p. 119 m/n/t). It was uncontroverted that the Petitioner did not receive her *Miranda* warnings after her arrest or before or during her five hour interrogation by State of Texas law enforcement officers.

F.B.I. agent Oakley testified that he was contacted by Fred Beall, who is an officer of the Texas Department of Public Safety, on May 28, 1974 (S.F. p. 182 m/n/t). Agent Oakley testified that he had known there was an investigation taking place by the Department of Public Safety for the State of Texas before



that date and even before the Petitioner was arrested on May 23, 1974 (S.F. p. 182-183 m/n/t). He further stated that the F.B.I. and the Texas State Intelligence Organization did give one another information that might be helpful to one another if it was pertinent (S.F. p. 183 m/n/t).

Agent Oakley came to Cleburne, Texas, and went through for one and one-half (1½) hours, by his own testimony, the material that had been obtained by the state law enforcement officers (S.F. p. 190 m/n/t). Carlton C. Kennard testified that all of the material, including the five hour written confession was made available to Agent Oakley (S.F. p. 84-85 m/n/t). Agent Oakley denied taking any notes (S.F. p. 109 m/n/t); however, Clarence A. Stone, who was present the day Agent Oakley came to Cleburne to look at the material, stated that he had observed Agent Oakley taking notes from the material (S.F. p. 126 m/n/t). Mr. Stone testified that Agent Oakley and State Intelligence Officer Beall were alone going over the material for approximately two hours (S.F. p. 127 m/n/t). Agent Oakley denied he read the Petitioner's confession even though he did admit he knew it had been taken and existed and that he had come to Cleburne to obtain information that would be helpful in his investigation (S.F. p. 195 m/n/t).

One of the government's witnesses during the trial was Eugenia Perez Maceyra (S.F. p. 42). She testified about her relationship with the Petitioner and her prostitution activities (S.F. p. 42-120). Information concerning this witness was given by the Petitioner

during her interrogation which was later reduced to writing by the state law enforcement officers (S.F. p. 15 m/n/t). Other than herself, no one knew the true identity of Eugenia Perez Maceyra. During her employment with the Petitioner she had used the alias of Penny Lopez and had not been arrested for prostitution during her employment with the Petitioner unlike several other former employees who were called by the government to testify (S.F. p. 15 m/n/t). Yet, the witness, Eugenia Perez Maceyra, was contacted by F.B.I. Agent Oakley (S.F. p. 69). On June 3, 1974, after Agent Oakley had gone through the material which contained the true identity of Eugenia Perez Maceyra, alias Penny Lopez, as well as her whereabouts, Agent Oakley located and interviewed this witness who later testified against the Petitioner (S.F. p. 197-198 m/n/t). The entire purpose of Agent Oakley's trip to Cleburne, Texas, was to find information that would help in the government's investigation. At that time he was looking for Penny Lopez. The confession contained information that Penny Lopez was Eugenia Perez Maceyra. Yet, Agent Oakley denies that he saw it or used it (S.F. p. 203-206 m/n/t).

## REASONS FOR GRANTING THE WRIT

**Proposition I: The decision of the United States Court of Appeals for the Ninth Circuit affirming the Trial Court's denial of the Petitioner's motion to allow her attorney of record, Joseph L. Dwight, Jr., to withdraw conflicts with the due process principles that have been enunciated by this Court.**

The question arises as to whether the Court abused its discretion in denying the Petitioner's motion to allow her attorney of record, Joseph L. Dwight, Jr., to withdraw? Another question that arises is whether the Court abused its discretion in denying the Petitioner's implied motion for a continuance to secure adequate counsel? Petitioner's motion that the Court should have allowed her counsel, Mr. Dwight, to withdraw from the case should have been granted. Generally, the client has an absolute and unconditional right to discharge his attorney at any time. *DeKorwin v. First National Bank of Chicago*, 155 F. Supp. 302, 305. Once the attorney has become the attorney of record, the Court must approve the discharge and/or substitution of a new attorney. The Court, in deciding whether to permit the withdrawal, must weigh the Defendant's need against public interest and the Court's control of its calendar, particularly when the motion is made on the eve of the trial. *United States v. Reynolds*, 169 F. Supp. 279. The Court must examine all the facts and act in the interest of justice. In this instance, Petitioner only learned on May 3, 1975, that her attorney was suffering from a heart condition, taking daily medications, and under the constant consultation of his doctor. She was deeply concerned as to whether Mr. Dwight could vigorously defend her in the case against her. The Petitioner had taken another client to Mr. Dwight on May 3, 1975, and Mr. Dwight refused to accept the case because of his health.

When the Petitioner first learned of Mr. Dwight's condition, she requested that he withdraw as counsel

of record and Mr. Dwight made that motion to the Court the following Monday, on May 5, 1975. It appears from the record that the Petitioner was in good faith in her desire to proceed with the trial since she had contacted an attorney, David Schutter, concerning his representing her in the trial. Because of a conflict in settings, he could not be prepared to go to trial on May 6, 1975. There was no showing that she brought about the necessity for the request for Mr. Dwight to withdraw or had the ability in any way to make the request at an earlier date. The Court, in effect, denied this Petitioner to have counsel of her choice appear for her. The Court was not justified in opposing counsel of this Petitioner against her will when there was no showing that she caused the necessity for delay or had the ability to know about the reasons for the request at an earlier date. *MacKenna v. Ellis*, 263 Fed. 2d 35, certiorari denied, 79 S.Ct 1453, 360 U.S. 935, 3L. Ed. 2d 1546.

In the present case, the reason that the Petitioner wanted a new attorney was not that she had decided that she would be better off with "Schutter trying the case". This is the reason that Mr. Dwight originally gave the Court in the morning before the hearing in the afternoon on May 5, 1974. The Petitioner stated in the afternoon hearing:

"I told him (Mr. Dwight) that I had just found out he had a heart condition and that I wasn't confident in him coming into the Courtroom in my behalf and fighting strong for me with him with a heart condition."



The Petitioner feared that Mr. Dwight would be unable to vigorously defend her case, that he would be hesitant to become emotionally involved in winning her case since such involvement could produce stress and strain on his heart. In the meeting with the co-defendant, Alexander Sakamoto, and his counsel, Mr. Dwight let it be known that he did not "want his ass shot." Furthermore, the Petitioner feared Mr. Dwight would avoid becoming excited; and would thereby appear disinterested in his client's case even to the point of indicating to the jury a perceived weakness in Petitioner's case. After a dialogue between the Court and the Petitioner, there was uncovered another reason why the Petitioner wanted another attorney, namely that the Petitioner would not want it on her conscience if Mr. Dwight had a stroke or heart attack during her trial; this latter reason was stated by the Court to be the only ground for Mr. Dwight to withdraw and the Court denied the motion on this basis.

The evidence shows that the Petitioner's conduct was not one to deliberately attempt to delay by the discharge of her attorney until the commencement of trial in order to gain a continuance. It was uncontroverted that the Petitioner was unaware of her attorney's condition until immediately prior to the commencement of the trial date. In *Lee v. United States*, 235 Fed. 2d 219, U.S. App. D.C. 272, The Court held that an accused should be permitted to choose his own counsel; that the practice of assigning counsel being reserved for cases where the accused cannot or does not select his own. The evidence was that the Petitioner had selected another attorney, being David

Schutter, to represent her and that the Court was unwilling to grant a reasonable time for his preparation. This was not due to a lack of due diligence on her part. The Petitioner cannot be accused of "foot-dragging." All she wanted was the right to have effective counsel of her choice. Implicit in this right is the right to have a reasonable time for preparation.

**Proposition II: The decision of the United States Court of Appeals for the Ninth Circuit affirming the Trial Court's denial of the Petitioner's motion for new trial based upon the fact that her trial counsel, Joseph L. Dwight, Jr., was incompetent conflicts with the due process principles enunciated by this Court.**

A question arises as to whether or not the attorney for the Petitioner, Joseph L. Dwight, Jr., was incompetent in properly defending her during the trial? It is clear from the evidence that Mr. Dwight failed to ascertain the facts relating to the F.B.I. using information obtained from state law enforcement officers in the State of Texas in making their case against the Petitioner. This information was obtained by the Petitioner only after she had obtained her present counsel which was after she had already been sentenced by the Court. By virtue of Mr. Dwight failing to apprise himself of the fact that some of the government's case was based upon the evidence that would have been subject to a motion to suppress made the trial a farce or mockery of justice, with representation so inadequate and ineffective as to be shocking to the con-



science of the Court. This was the test laid down in *Musgrove v. Amon*, 435 Fed. 2d 1235.

Further, in not allowing the Petitioner to tell the jury while she was on the stand of the threats and intimidation being used by the co-defendant Sakamoto, against her in order to stop her from using duress as a defense during the trial indicated that the purported representation was only perfunctory, in bad faith, a sham, a pretense, without adequate preparation. *Moseley v. Smith*, 404 Fed. 2d 345. When the co-defendant Sakamoto advised Mr. Dwight that "you know what kind of a man I am" when it was suggested that duress be used as a defense for the Petitioner, it is obvious that Mr. Dwight took the threat seriously when he told his client "I don't want to get my ass shot." This is not a mere controversy concerning what strategy should be used during the trial, but in effect, a failure to give adequate representation to a client. It appears that the reason Mr. Dwight did not use duress as a defense during the trial based upon the fact that the co-defendant Sakamoto, had shot the Petitioner previously and had made other threats up to and including the trial itself, resulted from intimidation and not neglect. The failure on the part of Mr. Dwight to advise the Court of the threats made towards himself and his client should shock the conscience of this Court. It is incredible that the Petitioner would have to go to the extent of calling the Assistant United States Attorney at his home in order to have questions asked relative to the duress that was being applied upon her even during the trial itself. There is not doubt that the Petitioner was substantially pre-

judiced and deprived of a fair trial by reason that her counsel, Joseph L. Dwight, Jr., was incompetent to properly defend her during the trial. Whether it was because of his heart condition, his own fear, his failure to ascertain all of the facts, or a combination of all of these things, the Petitioner did not receive the type of representation required for her to have had a fair trial.

As for the failure of the Petitioner's counsel to raise the defense of duress during the trial, this was not a matter of tactics but a matter of suppression of certain evidence that could have had a material bearing upon the outcome of the jury's verdict.

Very rarely, if ever, have such a conglomeration of oddities occurred during the trial in a Federal Court. How can it be ignored that the Petitioner's own trial counsel was intimidated prior to and during the trial of this case? How can it be ignored that the Petitioner, herself had her automobile stolen and a threatening note left during this trial with this never having been brought to the attention of the Trial Judge? How can it be ignored that the Petitioner was so desperate to bring out the true facts as they existed concerning her relationship with the co-defendant that it would become necessary to contact the Prosecutor in the case during the trial? How can it be ignored that the Trial Court would simply tell the Petitioner's counsel during the trial to simply talk with his client and not inquire as to why the Petitioner would be contacting the United States Attorney? How can it be ignored that three months prior to the time that this Petitioner

was even indicted by the Federal Grand Jury she had made a detailed account to state law enforcement officers in the State of Texas of her great fear of the co-defendant? How can it be ignored that this Petitioner was shot by the co-defendant, Alexander Sakamoto, and that Alexander Sakamoto was later indicted by the Johnson County, State of Texas, Grand Jury for attempted murder?

These matters raise a serious question as to whether or not the Petitioner was in fact given due process. If her trial counsel was so intimidated by the co-defendant that he failed to raise a valid defense, this would go beyond a mere miscalculation as to what defense should have been used or not used during the trial. Intimidation cannot be considered as the same as a mere miscalculation. The statement which has been finally uncovered by the Petitioner clearly shows that her fear of the co-defendant came long before the trial of this case or even her indictment. The Trial Court simply brushed aside the real issue in the motion for new trial hearing as to whether this Petitioner did receive a fair trial. It may be necessary for this Court, although unusual, to retain jurisdiction over the Petition for Certiorari while directing the lower court to make further inquiry into the facts which may determine ultimate disposition to be made by this Court.

**Proposition III: The decision of the United States Court of Appeals for the Ninth Circuit affirming the Trial Court's denial of the Petitioner's motion for new trial based upon the government using evidence during the trial that was obtained as a**

**result of illegal confession of the Petitioner which had been taken by law enforcement officers from the State of Texas which made available to an investigating agent of the F.B.I. is in direct conflict with the due process principles enunciated by this Court as well as the protection guaranteed in the Fourth Amendment.**

The question arises as to whether or not the Court erred in denying the Petitioner's motion for new trial based upon the government having used evidence during the trial that was obtained as a result of an illegal confession made by the Petitioner which had been taken by law enforcement officers from the State of Texas and which was later made available and used by the government? Based upon facts which were discovered by the Petitioner after the trial, under Rule 33 of the Federal Rules of Criminal Procedure, the District Court can order a new trial if, for any reason, it concludes that the trial resulted in a miscarriage of justice. *United States v. Parelius*, 83 F. Supp. 617, 618 (d.c. haw. 1949). It was uncontroverted that the evidence concerning Proposition III is newly discovered and was not available to the Petitioner or her counsel at the time of the trial for the reason that the government failed to advise the defense that portions of their evidence which they intended to introduce resulted from an illegal confession made by the Petitioner to certain state law enforcement officers of the State of Texas which was thereafter presented to the F.B.I. and indirectly to the Assistant United States Attorney for the District of Hawaii. It was also un-



controverted that the Petitioner was not aware of the facts relating to these events until she had retained her present attorney on November 22, 1975. The evidence is certainly material and not merely cumulative, and impeaching in that it shows that certain evidence presented during the course of the trial, would have been subject to a motion to suppress which would have fatally destroyed the government's case. In *Jones v. U.S.*, 279 Fed. 2d 433, certiorari denied, *Pritzler v. U.S.*, 81 S.Ct. 226, 364, U.S. 893, 5 L. Ed. 2d. 190, the Court held that a motion for new trial based upon after-discovered evidence is designed to serve the ends of justice and is available as a means of relief from manifest injustice. If a motion for new trial is made within seven days after the entry of judgment, which was done in this case, the motion is to be granted if it is in the interest of justice. Here, the new trial is surely in the interest of justice, for the evidence without which there would have been no cause, was obtained in violation of the Petitioner's rights. To be convicted in spite of a lack of competent evidence is the greatest possible miscarriage of justice.

If a motion for new trial is made after seven days after judgment is entered, the Petitioner must satisfy four requirements. The evidence must be newly discovered and unknown at the time of the trial. Here, both elements are satisfied for Petitioner had no knowledge that the evidence was illegally obtained. To her, the evidence was newly discovered.

A second requirement is that the evidence be material and not cumulative or impeaching. Here the evi-

dence is without a doubt material for it would have disposed of the case in favor of the Petitioner rather than in favor of the government. Since it would clearly change the result in the case, the evidence is material.

The third requirement that the evidence will probably produce an acquittal is satisfied since this is the only incriminating evidence the government had. Without it, they had no case.

The fourth requirement, that the failure to learn of the evidence was due to no lack of diligence on the part of Petitioner. In order for the Petitioner to have discovered this newly discovered evidence, she would have to have conducted a "fishing expedition," a practice abhorred by the judiciary out of their fear that it would destroy the utility of discovery. Without a "fishing expedition," there would be no way for the Petitioner to have discovered the illegal nature of the evidence; she could not sort out the illegal evidence from the good with the information available to her through the normal discovery motions.

Federal Courts have held that facts which come to light after trial which negate evidence used in the trial can themselves constitute newly discovered evidence and support a motion for new trial. Under *Miller v. Pate*, 386 U.S. 1 (1967), a new trial is required whenever false evidence is knowingly used by the prosecution. In *Miller v. Pate*, *Supra*, facts were used which negated evidence; no new evidence was found. All that was newly discovered was that evidence used earlier in the Court was improper; here, too, what was discovered is that the evidence used was improper be-

cause it is subject to a motion to suppress.

In addition, a showing that a witness subsequent to trial made untruthful statements is not enough to support an order for new trial unless the discrepancy is flagrant. *Masarosh v. United States*, 352 U.S. 1 (1956). Subsequent inconsistent statements must be flagrant because such statements are viewed with suspicion. Here, there is no cause for suspicion, for it is beyond dispute that the evidence was illegally obtained. Therefore, the discrepancy need not be flagrant. Even if it must be flagrant, surely it is that because the case would have never gone to trial but for the illegally obtained evidence.

Recantations by witnesses showing that their testimony at trial was fake is also viewed with suspicion and is also not newly discovered evidence in the real sense of the term. However, recantations by witnesses is substantial and material and can contribute newly discovered evidence supporting the motion for new trial. *Lindsey v. United States*, 368 F. 2d 633, 636, certiorari denied, 386 U.S. 1025. Just as a recantation shows that previously relied upon evidence was in fact false, a discovery that evidence which was used in a trial was illegally obtained shows that previously relied upon evidence was incompetent. In both cases, no new evidence is really discovered. It is merely that previously relied upon evidence is found to have been incompetent. Therefore, if recantations can contribute newly discovered evidence, so should a discovery that evidence used was illegally obtained. In summary, the dignity of the United States Government should not

permit that conviction of any person on tainted evidence, no matter when the taint is discovered. *Masarosh v. United States*, 352 U.S. 1, 9 (1956). The remedy for this obvious taint is a new trial. *Id.*

The question must be resolved as to whether or not the evidence obtained by the state law enforcement officers constituted "tainted evidence." The rule forbidding the admission into evidence of items illegally obtained originated in the 1920 U.S. Supreme Court case of *Silverthorne Lumber Company v. United States*, 251 U.S. 385 (1920). In that case, the Court held that because the government had illegally seized a set of the defendant's books and read them and returned them, they could not later subpoena the books to be used against the defendant. The Court went on to say that:

"The essence of a provision forbidding the acquisition of evidence in a certain way is that not that evidence so acquired shall not be used before the Court, but that it shall not be used at all."

The Court did hold, however, that had the agents been able to gain the information necessary to subpoena the correct books from an "independent source," even though they had not done so, the evidence would have been admissible.

*Silverthorne* was an expansion of the 1914 case of *Weeks v. United States*, 232 U.S. 384 (1914) which bound the Federal Courts to the rule that evidence seized as a result of an illegal search or an illegal detention was inadmissible as contrary to the precepts



of the Fourth Amendment. *Silverthorne* extended this rule, in the Federal Courts, to preclude any use at all of the evidence illegally gained, not just its use before the Court.

In 1963, the United States Supreme Court in *Wong Sun v. United States*, 371 U.S. 471 (1963), relied on the foregoing authorities in announcing what has come to be termed the "fruit of the poisonous tree" doctrine. The particular facts involved in arrest without probable cause and the question before the Court was whether the physical evidence and the statements obtained from the arrestee and from *Wong Sun* as a result of the illegal arrest were inadmissible. The Court cited *Silverthorne* as demanding that verbal as well as physical evidence must be suppressed if they were "fruits" of the agents' unlawful action. Justice Brennan went on to find that only in certain instances may evidence which was tainted by the illegality of the detention or the search be used for any purpose at all:

- (1) Where the evidence would have been available from an "independent source," *Silverthorne v. United States*, Supra; or
- (2) Where the link between the initial illegality and the evidence sought to be used had become so attenuated as to dissipate the taint. *Nardone v. United States*, 308 U.S. 338, 341.

To repeat, under the rule of *Wong Sun*, *Silverthorne* and *Nardone*, only where one of the two conditions enumerated above is proven by the government, may evidence illegally seized by used for any purpose what-

soever, not only for its admission into evidence at the trial. In *Wong Sun*, all of the evidence obtained was excluded except for a statement made by *Wong Sun* several days after his arrest. The Court found that the length of time between the primary illegality and the making of the statement was sufficient to purge the taint of the illegal arrest.

In this case, it is uncontroverted that the Petitioner was placed under arrest and interrogated for a period of five hours without having received any of her constitutional warnings. It is uncontroverted that this material was reduced to writing in a flagrant violation of *Miranda v. Arizona*, 384 U.S. 436 (1966). In this case there could be no "purging of the taint" because the Petitioner was never warned of her constitutional rights as set forth in *Miranda*, Supra, at any time.

In *Brown v. Illinois*, 17 Cr. L. 3145 (1975) the Court made the following statement:

"The illegality here, moreover, had the quality of purposefulness. The impropriety of the arrest was obvious; the purpose of their action was for "investigation" or for "questioning." The arrest, both in design and in execution, was investigatory. The detectives embarked upon this expedition for evidence in the hope that something might turn up."

The purposes of the five hour interrogation by the Texas state law enforcement officers was certainly investigatory. The confession which was obtained by them covered all facets of the Petitioner's operation, not only in the State of Texas, but in the State of Hawaii as well.



In *Collins v. Beto*, 348 F. 2d 823 (5th Cir., 1965) the Defendant's conviction for murder was reversed. The Defendant was over at another person's house when the police came over to ask that other person questions about the death of the Defendant's wife. The Defendant was arrested without a warrant and without probable cause. After he told his story, he was released. However, a private detective, who was looking to collect a reward for the murder, told the police that the Defendant was the guilty party. The Defendant was again arrested without a warrant and taken to the Texas Rangers Station where the police could interrogate him while concealing this questioning from others. During this interrogation, the Defendant gave them a statement with which the police were not satisfied. The police then gave the Defendant a polygraph test, and afterwards the Defendant confessed, making his second statement. The Court held the confession to be involuntary as a matter of law and that the confession should have been suppressed as "fruits of the poisonous tree." Citing *Wong Sun*, the Court stated at 828:

"Collins was kept in custody, not because the police had a legitimate basis for detaining him for as long as they did, but merely because his detention and questioning were aids in their investigation."

Simply stated, the foregoing authorities clearly illustrate that neither of the exceptions to the *Wong Sun* exclusionary rule have been met in this case. It is obvious that the state law enforcement officers in the State of Texas could have not obtained any of the

evidence contained in the one and one-half (1½) inch thick confession which was obtained from the Petitioner by means "independent" of their illegal actions. The state law enforcement officers were necessarily dependent upon the Petitioner for the evidence that was obtained. The confession obtained against the Petitioner was obviously illegal.

The question thus becomes whether the link between the Texas state law enforcement officers had to "taint" the government's case against the Petitioner. It is without doubt from the testimony of both F.B.I. Agent Oakley and the state law enforcement officers that they were working hand-in-glove in the investigation of the Petitioner. F.B.I. Agent Oakley testified that he was aware of the investigation that was being conducted by the Texas state law enforcement officers. He came from Fort Worth to Cleburne, Texas, with the specific intent to go over that material to find out what evidence would be useful in his own investigation. Assuming that the material seized at the scene of the arrest was obtained legally, this would no way redeem the five hour interrogation which was conducted by the state law enforcement officers. The confession was not limited only to Texas activities, but gives activities involving Hawaii as well. The confession was a complete rendition of all of her activities including those activities which were the bases of the indictments returned in the Federal Court in Hawaii. It is important to understand why these Texas state law enforcement officers would be concerned about criminal activity in the State of Hawaii.

The confession contained information about women who had been employed by the Petitioner, including their names and addressess. It is important to understand that F.B.I. Agent Oakley was looking for the so-called "Penny Lopez" at the time that he came to Cleburne, Texas, a couple of days after he was called on May 28, 1974, by Intelligence Officer Beall. In the *United States v. Hall*, 488 Fed. 2d 193, the Court held that state officers who had made searches and arrests and then turned the case over to Federal authorities for prosecution did not prevent raising the question as to the validity of the searches.

By F.B.I. Agent Oakley's own admission, he spent one and one-half (1½) hours going over the material. Officer Kennard testified that the five hour confession was a part of the material that was furnished the F.B.I. agent. It is important to note that Officer Stone observed Agent Oakley taking notes from the material that was given to him. On June 3, 1974, only a couple of days after he had gone through the material, Agent Oakley found Eugenia Perez Maceyra, alias Penny Lopez, in Fort Worth, Texas. Keeping in mind that he had been instructed to locate this individual, it would be an insult to the integrity of this Court to believe that the F.B.I. would not use information which would be helpful in the investigation of their case. In *United States v. Hunt*, 496 Fed. 2d 888, the Court held that evidence unlawfully seized by state authorities could not be used as a basis for Federal prosecution. It would be analogous that the exclusionary rule should apply to evidence which was obtained as a result of an illegal confession. Here, it would appear that evidence

concerning names and addresses of certain individuals in the employment of the Petitioner would not have been discovered, but for the Petitioner's illegally secured confession. It is significant to note that the Federal Grand Jury in Hawaii did not consider this cause until the statement of Eugenia Perez Marceyra was obtained. This witness was a material witness for the government's trial. *Elkins v. United States*, 364 U.S. 206 (1960) held invalid the practice of state officials giving evidence illegally obtained over to Federal officials to be used in Federal proceedings. It did not matter that Federal officials were innocent of violating the Constitution; the original taint forever renders the evidence incompetent and inadmissible. *Elkins*, at p. 223. It would make no difference under the principle set forth in *Elkins* whether F.B.I. Agent Oakley was in good faith or bad faith in obtaining the evidence needed to locate Eugenia Perez Maceyra. The link between F.B.I. Agent Oakley and the State of Texas officers is clear. The relationship was so close that only an inference of complete cooperation can be made. The confession of the Petitioner was illegal; the handing over of the confession to the F.B.I. on a "silver platter" was illegal; the use of the information contained therein to help make the government's case was illegal; and the conviction which was in part based thereupon should be considered illegal.

The principles outlined above are for more than mere policies deemed fair by the Court. They are constitutionally mandated sets of rules which no officer of the law, let alone a court of law, can disregard and



by which the fundamental rights of all Americans are safeguarded.

In the instant case, it was uncontroverted that F.B.I. Agent Oakley was contacted by Fred Beall, an officer with the Texas Department of Public Safety, on May 28, 1974, concerning evidence that had been obtained from the Petitioner by state law enforcement officers. It is further uncontroverted that Agent Oakley came to Cleburne, Texas, and was not merely exposed to this material, but went through it for one and one-half (1½) hours, by his own testimony. All of material that had been obtained by the state law enforcement officers from the Petitioner, including the five hour written confession, was made available to Agent Oakley. It would be absolute affront to dignity of this Court to accept the premise that an F.B.I. Agent, not knowing at the time that evidence was tainted, would not examine that evidence if it was in fact material to his investigation. The confession was so detailed that it gave an almost complete rendition of the under world activities in Honolulu and Dallas-Fort Worth areas.

Material concerning the government's first witness, Eugenia Perez Maceyra, was also made available. Only a few days later, F.B.I. Agent Oakley, contacted Mrs. Maceyra for the first time. It should be noted by this Honorable Court that this witness was the very first called by the government. The transcript reflects that her testimony involved hours of damaging statements to this Petitioner. Without this evidence, together with other revelant facts that could have been

presented had the Petitioner's counsel presented it, would have made a substantial difference in the final outcome of the verdict.

The evidence presented at the motion or new trial and judgment n.o.v. hearing raised very interesting questions as to whether or not the government received the tainted evidence, acted upon the tainted evidence, and depended upon the tainted evidence in order to obtain the Petitioner's conviction. It should be noted by this Honorable Court that the Petitioner was not indicted by the Federal Grand Jury until after the evidence involving Eugenia Perez Maceyra was obtained by F.B.I. Agent Oakley. Even Agent Oakley admitted that he did go through the material and was not merely present in the room with the evidence.

All of the fruits of illegal police conduct must be suppressed as tainted with the illegality of a confession being shown. The exclusion extends to all evidence obtained whether physical, verbal or taken off the body of the Defendant. The exclusionary rule as it applies to this case is "an essential part of the Fifth Amendment." It must be adhered to in order for the result in a case at bar to be consistant with the precepts of our constitution.

## CONCLUSION

For these reasons, a Writ of Certiorari should issue to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit, or, in the alternative, this Court should retain jurisdiction over the petition for certiorari but direct the lower

court to make further inquiries into the facts which may determine the ultimate disposition to be made. The newly discovered confession which has been certified to by the District Attorney for the 18th Judicial District for the State of Texas is attached to this Writ of Certiorari for the purpose of determining whether or not this matter should in fact direct the lower court to make further inquiry into this matter.

Respectfully submitted,

ROGERS AND HAMMOND

Attorneys at Law

3 East Henderson Street

Cleburne, Texas 76031

(817) 645-9151

ORIGINAL SIGNED BY

BY: MICHAEL J. ROGERS

MICHAEL J. ROGERS

*Attorney for Petitioner*

October 27, 1976

### CERTIFICATE OF SERVICE

I hereby certify that three (3) copies of the foregoing Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit, was hand delivered to the Solicitor General of the United States, on the 28th day of October, 1976.

ORIGINAL SIGNED BY

MICHAEL J. ROGERS

MICHAEL J. ROGERS

*Attorney for Petitioner*

### APPENDIX A

### OPINION OF COURT OF APPEALS

[FILED AUG. 3, 1976

EMIL E. MELFI, JR., CLERK

UNITED STATES COURT OF APPEALS]

UNITED STATES COURT OF APPEALS  
NINTH CIRCUIT

No. 76-1269

OPINION

UNITED STATES OF AMERICA,  
Appellee,

v.

VELMA LEE SHUEY,  
Appellant.

Appeal from the United States District Court  
District of Hawaii

Before: BARNES, WRIGHT and KILKENNY, Circuit Judges. KILKENNY, Circuit Judge:

Appellant was convicted in a jury trial on an indictment charging her with: (1) interstate travel or use of any facility of interstate commerce with intent to conduct an unlawful activity in violation of 18 U.S.C. § 1952 [four counts]; (2) knowingly causing a woman to move in interstate commerce for purposes of prostitution in violation of 18 U.S.C. § 2422 [three counts].

## EVIDENCE

Viewing the evidence in the light most favorable to the government, there is no doubt but that appellant, during the period in question, was engaged in the operation of massage parlors in Texas and Hawaii and that she caused women to be transported from Texas to Hawaii for employment as prostitutes.

## ISSUES

I. Was it reversible error for the district court to deny appellant's motion for a continuance and to deny her attorney's motion to withdraw?

II. Was representation of appellant by her counsel so inadequate as to amount to a denial of a fair trial?

III. Was alleged "fruit of the poisonous tree" evidence used in a manner which violated appellant's rights?

## I.

On May 5, 1975, the day before the trial, appellant's attorney sought to withdraw and appellant requested a continuance. By that time, the government had subpoenaed and obtained the presence, in Hawaii, of six witnesses who resided in the Dallas-Fort Worth area of Texas; the clerk had summoned the veniremen necessary for trial the following day; and the government had expended a substantial amount of time and money interviewing a dozen witnesses and reviewing more than twenty exhibits for trial. Appellant's given reason for wanting to change lawyers was that only two

days earlier she had learned for the first time that her attorney was suffering from heart disease. She was afraid, she said, that he would not present a vigorous defense and might collapse during the course of the trial. She claims she knew nothing of his heart trouble until May 3rd, although her attorney had been retained for many months.

Appellant further represented that the new lawyer she wished to hire would not be immediately available, or for some time after the scheduled date of her trial. At the hearing on the motions the attorney, although conceding a heart problem, told the court that he was physically capable of carrying on with the trial. As an outgrowth of the hearing, the court granted appellant permission to retain new counsel, but required her new lawyer to be present and to render all possible assistance during the course of the trial. The court denied the motions. Original counsel represented appellant at the trial.

During the course of the hearing, the appellant represented to the court that she was fully satisfied with counsel's representation to the time she was informed of his heart condition. In denying the motions, the district judge exercised his discretion and after expounding on the "very heavy calendar" of the court, concluded that the facts presented did not justify a continuance and addressed the appellant thus:

"... I'm saying to you that if between now and tomorrow you want to secure some other counsel to represent you, that's fine. That counsel will be allowed to represent you. Mr. Dwight, however, will be here in court to be able to supply to the



counsel, just as if he were associate counsel, all of the facts and all of the assistance which his own study of your case indicates should be given to you, so that you will in effect have two attorneys." [R.T., Vol. III, pp. 13-14].

The totality of circumstances under which the motions were presented quite clearly pinpoint their untimeliness and support the government's position that there was no compelling necessity for the substitution of counsel. For that matter, the record presents more than a veiled suggestion of a subtle dilatory move on the part of the defense to obtain a delay in the prosecution. In any event, we are convinced that the district court did not abuse its discretion in denying the motions and properly relied on our decision in *Lofton v. Procunier*, 487 F.2d 434 (CA9 1973). We there reiterated the rule that the right to choose one's own attorney is not unlimited and that if the attempted exercise of a choice is deemed dilatory or otherwise subversive of orderly criminal process, the trial court may compel a defendant to proceed with designated counsel. Here, the only reason given by appellant for the proposed substitution is her recently discovered anxiety about counsel's physical ability to last the entire trial. There is no claim that her attorney's heart condition had worsened during the period of his employment from mid-September, 1974, to May 3, 1975. Her attorney had no fear about his ability to proceed, and his performance during the course of the trial demonstrates that appellant's anxiety was groundless.

To nullify the considered judgment of the district judge on a discretionary matter such as this would be

nothing short of suggesting an unwholesome delaying tactic to those accused of serious crimes. The battle cry of defendants would become "Fire the attorney, continue the case." Unwarranted continuances under circumstances such as these are among the factors causing the incredible waste of judicial time in the administration of criminal justice.

In full support of the view expressed in *Lofton* is *Nunn v. Wilson*, 371 F.2d 113 (CA9 1967). Causes such as *Lee v. United States*, 235 F.2d 219 (D.C. Cir. 1956), and *McKenna v. Ellis*, 263 F.2d 35 (CA5 1958), are readily distinguishable and do not support appellant's argument.

## II.

On this issue appellant claims that her trial counsel was incompetent for the following reasons: (a) he did not raise the defense of duress when he knew she was then acting in great fear of her co-defendant, and (b) he failed to ascertain the facts relating to the use by the FBI of information obtained from Texas state law enforcement officers.

### (a)

During the course of the hearing on the motion for judgment of acquittal or for a new trial, the appellant offered to prove that if her trial attorney were called as a witness, he would testify that a couple of days prior to the time of the trial a meeting was held between himself and counsel for codefendant Sakamoto, as well as Sakamoto himself. Her attorney would say that at that time it was suggested by the appellant

Shuey that the defense of duress should be used by appellant during the course of the trial, and that at that time Sakamoto vigorously objected to such a defense and stated to appellant's attorney, "You know what kind of man I am," and that appellant's attorney told appellant that he "... did not want his ass shot.", and that if appellant was called as a witness she would testify that she again discussed with her attorney the possibility of using duress as a defense, and that he again advised her against such a move. In fact, she says she took the witness stand really out of fear and did not testify to any of these matters concerning the threats or intimidations because she was in fear of her own well being and safety. She claims she was also in fear by reason of a threat received the night before she testified, and that she called the Assistant United States Attorney and suggested that she be asked about duress.

The complete answer to appellant's contention is found in the comments of the trial judge in response to the argument of appellant's substituted counsel, from which we quote:

"You know, if your client had not been valedictorian . . . of her class when she graduated from high school, if she had not been a very successful businesswoman, if she were not the one who had all the money and drove the Lincoln Continental and had all the property and the bank accounts in her own name and operated in Texas and operated out here and bought the Waialae Health and Spa and so forth, and Alex Sakamoto wound up with nothing, maybe there would be more merit to your argument [that appellant acted under

duress], . . . but that's not the way it was." [R.T., Vol. VII, p. 291].

We will not disturb these findings of the veteran district judge.

(b)

Upon the evidence introduced at the hearing, the district court found that after appellant was apprehended in a raid upon a Texas massage parlor, she gave a lengthy confession before receiving *Miranda* warnings. At the time, the Texas authorities were interested only in Sakamoto and it was not until later they learned that the FBI in Hawaii was following up leads on appellant. Upon learning of events in Texas, the FBI contacted the Texas authorities. In this confession, a woman known to the investigators in Hawaii as Penny Lopez was identified by the appellant as Eugenia Perez Maceyra. This woman was found in Texas by FBI Agent Oakley, to whom the material was accessible which had been obtained in the raid on the Texas massage parlor. The confession was part of this material. Appellant claims that her conviction cannot stand because the FBI would never have located Lopez and identified her as Macyra if they had not obtained this information from the confession. Oakley testified at the time of the post trial motion that he never saw the appellant's confession and that his lead to Lopez was from information entirely independent of that document.

Here again, the findings of the district judge are of great importance. We quote:



"[E]ven if Oakley had gone through that transcript page by page, even if he had taken notes by the zillion, there is nothing in the record before this Court, there was nothing in the record at the trial, there was nothing in the record . . . here, to sustain . . . [the] statement that 'without the use of the evidence illegally obtained that the government had virtually no evidence . . .'"

"The only smidgen of possible taint was whether or *no* [sic] Oakley had been able to locate Penny Lopez because of something that was in the statement of Velma Lee Shuey and from no other source."

"... I give Oakley's story credence that he did develop and get the testimony of Penny Lopez in the manner in which he testified here. I would hold that, even if that weren't true, even if it were error to have utilized the evidence which you urge could only have been secured through the information developed out of the testimony of Velma Shuey, even so, I would hold that the taint . . . was so inconsequential and the error, if any, was so inconsequential . . . because the other evidence was so overwhelming, . . . that it would not warrant setting aside the trial. . . ." [R.T., Vol. VII, pp. 278-280].

Thus, it clearly appears that even if appellant's trial attorney had asserted facts relating to the confession at a pretrial hearing on a motion to suppress, it is more than probable that the court would have found, as it did on the post trial motion, that Oakley did not read the confession and found Maceyra through independent research.

The exceptional weight to be given the findings of

the trial judge on hearings such as this is ably articulated by Justice Black in *United States v. Johnson*, 327 U.S. 106, 112 (1946), where he said:

"The trial judge's findings were supported by evidence. He had conducted the original trial and had watched the case against Johnson and the other respondents unfold from day to day. Consequently the trial judge was exceptionally qualified to pass on the affidavits. The record of both the original trial and the proceedings on the motions for a new trial shows clearly that the trial judge gave the numerous elements of the controversy careful and honest consideration. We think that even a casual perusal of this record should have revealed to the circuit court of appeals that here nothing more was involved than an effort to upset a trial court's finding of fact."

The same authority restated the dogma that it is not the province of the Supreme Court or of the Courts of Appeal to review orders granting or denying motions for new trial when such review is sought on the alleged ground that the trial court made erroneous findings of fact. *Id.* at 111. Beyond question, there was substantial evidence to support the judge's findings upon coercion and admissibility. Additionally, he had the opportunity to, and did, observe the demeanor of the witnesses and pass on their credibility. Obviously, appellant lost on both counts. Concluding on these issues, we find nothing in the representation of appellant's trial counsel to indicate that he failed to render reasonably effective assistance by failing to raise valid defenses or that appellant, by reason of counsel's representation, was denied fundamental fairness. *United*

*States v. Elksnis*, 528 F.2d 236 (CA9 1975); *United States v. Stern*, 519 F.2d 521, 524 (CA9 1975).

Appellant's argument on the "fruit of the poisonous tree" or "silver platter" doctrine is fully answered by the findings of the district court previously quoted, particularly the finding that Agent Oakley was telling the truth when he testified that his lead to the witness Maceyra was supplied by channels entirely independent of appellant's confession.<sup>1</sup>

The court's finding on this issue is controlling and we need not reach the question on whether conceding, *arguendo*, the invalidity of the confession, the evidence should have been excluded. Moreover, we observe that the seizure was pursuant to appellant's consent, and it would seem that the exclusion of the evidence would in no way serve "... to deter future unlawful police conduct." *United States v. Janis*, U.S. [July 6, 1976, Sl.Sht. 13]; *United States v. Peltier*,

<sup>1</sup> "THE COURT: ...

"Whenever after a case is tried and a person has taken the stand and has lied on the stand as she did, and as she subsequently in the trial over in the Circuit Court admitted that she lied on the stand, then you come up now with the plea that counsel was incompetent because he put her on the stand because he didn't ask her about how she was under duress, would force a court, not alone in this case but in every case, to try to go back into all of the trial tactics, all that went into the evaluation by an attorney of what evidence should be presented to a jury when a defendant is on trial.

"Not a thing that you have said, not a thing that you have said that Velma Lee Shuey would say would, as this Court sees it, indicate that Dwight was in any way incompetent. The Court heard the trial. The Court observed him. The record will show that he was not just a sham counsel. He was in there doing his best and this Court, not upon her statements now, this Court will not second-guess Dwight. This Court will not say that because you would have done it one way that Dwight was incompetent because he didn't do it that way. ..."

[R.T., Vol. VII, pp. 291-292.]

422 U.S. 531, 536-539 (1975); *United States v. Calandra*, 414 U.S. 338, 347 (1974).

In any event, the evidence against appellant, excluding the testimony of Maceyra, is so overwhelming that even if the challenged testimony is tainted, the judgment should be affirmed. *Harrington v. California*, 395 U.S. 250 (1969); *Chapman v. California*, 386 U.S. 18 (1967).

### CONCLUSION

The judgment of conviction must be affirmed.

IT IS SO ORDERED.

## APPENDIX B

## ORDER DENYING MOTION FOR REHEARING

[FILED SEPT. 28, 1976  
 EMIL E. MELFI, JR., CLERK  
 UNITED STATES COURT OF APPEALS]

UNITED STATES COURT OF APPEALS  
 NINTH CIRCUIT

No. 76-1269  
 ORDER

UNITED STATES OF AMERICA,  
 Appellee,

v.

VELMA LEE SHUEY,  
 Appellant.

Appeal from the United States District Court  
 District of Hawaii

Before: BARNES, WRIGHT and KILKENNY, Cir-  
 cuit Judges.

Appellant's petition for rehearing is denied.

## STATEMENT OF VELMA SHUEY

Beall: Tell the story from the beginning and continue on up to the present?

V. Shuey: In 1967 or 1968, I was working in Incline Village Casino for Bruno Marks and Nate Jacobson. It was the Teamsters Union. Bruno Marks was the man that hired me. Incline Village Casino at Lake Tahoe, Nevada. I worked for him or the Incline Village Casino for the summer. I think it was 1967. In the winter, I went home to Hot Springs, Arkansas; then in the Spring, I came back, which I always did, every year, just for a vacation to see Mama and Daddy and take the kids home. When I came back out, Bruno Marks told me nonchalantly, that he knew people in Hawaii, and why didn't I take a vacation in Hawaii and make it a working vacation. So, like every bodyelse, innocent, \$50 or \$100 sound like good money when you work for \$50 or \$100 a week or \$200 a week. When you can make that a day, sounds easy enough. Meet the people, they sound friendly enough. They buy your food and you go. So, I first went over to Honolulu, Hawaii through Joe Eng's Junkets that came into the North Shore Club. Jimmy Hunes. . . . They went into Incline Village Casino through Bruno Marks.

Beall: Did you prostitute at this Casino?

V. Shuey: No, I did not because I dealt Blackjack in Nevada. I would not do anything at that particular time in Nevada. I never had, and I never would, I didn't think. I only went to Hawaii for a two week vacation, and I was going to work while I was there to see if I liked it. Well, they made it very nice,



those two weeks, so like everything else—every girl runs home and packs up everything and zoom and goes back because man that's good easy money.

Beall: In Hawaii as soon as you went over there, you went to work as a prostitute?

V. Shuey: That's right.

Beall: That's the first time you ever prostituted was over there?

V. Shuey: Sounds terrible bad, right?

Beall: So, there was no—ah, this Bruce Marks, is that right?

V. Shuey: Bruno Marks.

Beall: He didn't tell you to go over there and on some people, and you can get set up in prostitution? He just said go over and take a vacation? Who approached you with the prostitution idea?

V. Shuey: I went over for a vacation, right? And then I went out and had dinner and parties and friends. Then it was at a party, somebody said, gee, there is about ten or fifteen or twenty single guys. Why don't you take a room up stairs? You could probably make enough to make your fair home.

Beall: No individual did that? I mean, it was just a spur of the moment deal? There wasn't any guys that said that?

V. Shuey: What I'm saying is, Joe Eng, and Bruno Marks implied it. They are smart. They don't want to say it in the beginning, right? And they are not going to pay your plane fair in the beginning. They are not going to get involved. They are sophisticated business people, they claim. So, all they did was—I'm innocent, right? And I am naive, so, they sug-

gest to me that I can probably go to Hawaii and make some money. They don't tell you what. They just wink at you, and you pick it up, and that's about it. You know? But, they are not going to say it. Okay? They are not going to say it because they have attorneys that have told them better, and they have all kinds of people and witnesses to say that if you did say such and such, that it's a damn lie.

Beall: All right. Then you went back home and got all your goodies, after you spent two weeks there, and come on back. What did you do then? Did you set up in a house or an apartment, or what?

V. Shuey: I worked for Reginald Munn, at Monotanya Massage Studio at 125 N. Baratinya St., Honolulu, Hawaii. I worked for him for two and a half years.

Beall: Did you do any massages?

V. Shuey: I did do massages.

Beall: Did you ever receive any training to do massages?

V. Shuey: I received training, and I had to take a test. I worked as an apprentice; At that time you could work as an apprentice. Where up to three months, or six months, or one year. I don't know how long it was. After you stayed there for one year and got your required residency, which I did, I mean, it was all set up legally. I went down and took the test. I flunked it the first time. I took the test again, and I flunked, and then I passed it.

Kennard: Was it a written test or a—

V. Shuey: Both.

Beall: It was a state license you received as a masseuse?

V. Shuey: As a masseuse, yes.  
 Beall: That was in 1960. . . .  
 V. Shuey: 1968, or 1969, I don't know.  
 Beall: And who were you working for at that time? I missed that.  
 V. Shuey: Reginald "Hotdog" Munn. Reggie, his nickname is "Hotdog" Munn.  
 Beall: Okay. He is the owner and operator of this massage parlor? Do you have any others?  
 V. Shuey: No, he didn't.  
 Beall: How many girls did he have working at that time?  
 V. Shuey: He had, on various different times, anywhere from five to ten, to fifteen masseuses.  
 Beall: All the girls were prostituting; Is that right?  
 V. Shuey: No, not all of them.  
 Beall: Was it up to the individual?  
 V. Shuey: It was up to the individual, but it was encouraged.  
 Beall: Was there a cut, 60/40, 50/50?  
 V. Shuey: Not on the prostitution.  
 Beall: Nothing; It was all yours?  
 V. Shuey: It was all yours.  
 Beall: Okay. What did he get out of it?  
 V. Shuey: He got only what they paid at the front desk for a massage.  
 Beall: He was well aware that prostitution was going on?  
 V. Suey: He don't demand any money, as owner and operator, that's where Joe Eng comes in.  
 Beall: Well, did he get part of your money?  
 V. Shuey: He would borrow money and never pay it

back.  
 Beall: From all the girls or just from you?  
 V. Shuey: I mean, it's like anybody else, he talks me to me. Right? What he talks to anybody else they better not tell me.  
 Beall: Was he just borrowing this money on a regular basis?  
 V. Shuey: Right.  
 Beall: Was there any set amount?  
 V. Shuey: No.  
 Beall: What was the largest amount he ever borrowed?  
 V. Shuey: \$3000, \$5,000, \$3,000, \$2,500 . . .  
 Beall: This while you were just a working girl? You didn't manage anything? You were just a working girl?  
 V. Shuey: Right.  
 Beall: About how often did he borrow this money?  
 V. Shuey: Two or three—They would be very smart. You would be going home for a vacation to see your kids and gee, you've got all this money, right? It's time to go home and bug out and forget about Hawaii. But about the time your getting homesick, they know that, so they want to borrow a \$1000, or \$500 just so you'll come back to collect that money. Right? Or \$500, or \$300, or \$1,000, \$2,000, \$3,000. Whatever they figure because Reginald Munn has the front desk. Right? He knows how much has come in.  
 Beall: Could you ever refuse to lend him the money?  
 V. Shuey: You don't refuse.  
 Beall: It was implied that you didn't refuse, is that right?

V. Shuey: That's right.

Beall: Or else, meaning that you'd be hurt in some way or something would happen to you?

V. Shuey: Right.

Beall: How long did you work for this massage parlor?

V. Shuey: I think it was 2½ yrs.

Beall: 2½ yrs. Wow, did you ever get to managing it?

V. Shuey: No, but I didn't work all the time because I had a husband and I had two kids. I would fly over there and work two or three weeks, go back home be a housewife, take care of my two kids, be a good mother and go back for two or three weeks, and go back. I did this for 2½ years.

Beall: Where did you live?

V. Shuey: Lake Tahoe Nevada, oh, there? Well, I stayed at 125 N. Baratinia St. in one of the—they had an apartment up stairs that I rented.

Beall: O.K., is there any other names is this operation, that you can think of, while you were working there, big people?

V. Shuey: No, because they didn't let me know it was that involved at that particular — well, Frank Lough, Horatio Sherril, who is an attorney, and his law firm.

Beall: Those people, as far as you know, were they involved in this operation to any extent?

V. Shuey: Not at that time, not at that time.

Beall: After you quite there—did you quite, or were you fired?

V. Shuey: I was going to quite, and stay happily mar-

ried to my husband, right, because I had made a little bit of money, and to me that was a lot. I wanted to continue paying for my house. John Shuey had gone and gotten his contractors license and we were going to go legitimate. Then they offered me ¼ of a massage parlor if I wouldn't go, and working privileges and managing salary.

Beall: You say they, who?

V. Shuey: Jo Eng, Vickie Chang, Frank Lough, Willie Lough.

Beall: They came to you with this proposition, did one of them come to you?

V. Shuey: One, Jo Eng.

Beall: When did that occur? Was it the same year, '68?

V. Shuey: I worked 2½ yrs. so this was '70 or '71

Beall: So what did you tell him?

V. Shuey: I told him no, that we had our contractors license and we were going to try to go ahead, me and John. That was—when they first came to me it must have been '69 and I went home and I remarried John and we were going to make it. And, I stayed up there for about six months, but then Bruno Marks instigated John, they told him something, I don't know. They went to him probably and told him I was a prostitute in Hawaii, blah, blah, blah, and tried to brake us up, which they succeeded in braking us up. I don't have any place to go, I was naive to figure it out at that time. John beat me up, put me in the hospital because of what they told him. I filed for and got a divorce. They wanted me to get a divorce because John Shuey's and Velma



Shuey's name was on all property and that's community property in the state of Nevada, no matter if I owned it when I married him he owned it. O.K. They wanted it, Joe Eng, the syndicate or organized crime or what ever you want to call them, in Hawaii. Because they had let me make the money, right for 2½ yrs. They watched me very carefully and I was buying property I wasn't spending any money so I was just a growing bank account to them.

Beall: You were buying property in Hawaii?

V. Shuey: In Incline Village Nevada. I never intended to live in Hawaii. I was going to bug out. I thought when I went to Nevada, I was safe. I didn't know the world was so close.

Beall: Do you still own property in Nevada?

V. Shuey: Yes.

Beall: Do you own your home? Did you get the home when you got a divorce?

V. Shuey: Yes, I owned the home. But, when I got the home I traded it now for the Lemon Ave. through Jay Davis, to get rid of him as a partner in Dallas.

Beall: You traded that home in Nevada for this building?

V. Shuey: Plus some cash. But it all came from the house. I refinanced the house at Lake Tahoe Nevada because I wanted out of Hawaii, they had all my money tied up in Hawaii. But I mean, it wasn't all just money that I had earned. I borrowed money, at this stage, from Frank Lough, Willie Lough, they all loaned me money to buy this property too you know.

Beall: Just out—I mean, a dollar for a dollar?

V. Shuey: Dollar for dollar. They loaned me money to let me go buy this property. But this was only to make me have to go make some money to pay them back. I mean, they said, like—

Beall: To get there hooks in you?

V. Shuey: Right, but there smart they way they did it.

Kennard: Did they hold the paper on the property?

V. Shuey: Through the attorney. This is why they have it held up, and why my nose is to the grindstone, because they won't allow anybody to buy even if it goes to ½ price. They won't allow me to sell it for ½ price they want to hold it for top dollar but the word is out not for anybody to buy because Velma Lee has got to go broke sooner or later, and then she will be a "button" in Hawaii. But, I don't know how to explain all this to you.

Beall: Let's just go back to where you were. You had been propositioned to take ½ interest or ¼ interest in a massage parlor, and you are going to manage one, is that right? And you declined in 1969, I think it was.

V. Shuey: Right. And so Joe Eng, Frank Lough, and Willie Lough and Ralph Tonagouchie, a couple of other people, but they're innocent, loaned me money to get John started in construction, see. Since, I had remarried him and was going to go gung ho back into the marriage. Well go ahead we will help you'll get your contractors license and help you get started, we have a little bit of money we want to invest in land and loan to you. It looks good because he can build on that piece of property and I can go

to the bank because we have a large down payment on the property, and the papers at the attorney's office and nobody knows that they are involved in this, right? So that way my name is on it and the payment is a \$1000 a month. Well, I don't think about the \$1000 a month because I figure we are going to build a building on it, right? But then they go after they have gotten it all smooth in my mind and then they tell John, do you know what your wife is doing over in Hawaii to get all this money and naturally he is going to get mad at me and he is not going to build a building on that land. I have got to go work and make the payments because I got to pay back that money, that is borrowed, if I want to live. And at that point I except the proposition to run and manage a professional massage studio, because I have \$1000 a month that has got to be paid out plus I have living expenses, plus I have a house payment to make, plus I have another lot to pay.

Beall: So they finally have got you in a corner where you only have one out, and that was to go to them, is that right? O.K. What was the name of this massage parlor?

V. Shuey: Professional Massage Parlor.

Beall: Where was it located?

V. Shuey: It was on South Cacuy St., as far as I know Frank Lough and Willie Lough would be what you call front place but they are still in my opinion only, would have Joe Eng and somebody else as partners.

Beall: What was your money arrangements with these people?

V. Shuey: We bought the place for \$5000. Each one of the five partners put in a \$1000, including myself. It was a legitimately business deal. There was 100 shares of stock sold. Each one of the partners held an equal amount of shares which was 20 shares of stock. These papers were drawn up in an attorney's office, the attorney held the papers, he held the stock.

Beall: Strickly legitimate right down the line?

V. Shuey: Right down the line.

Beall: And it was understood to you, did they discuss it with you for you to hire the girls and for them to prostitute? Did he ever talk to you about that, or was that just left up to you?

V. Shuey: That was entirely left up to the girls. It was there. If they prostituted they prostituted if they didn't they didn't.

Beall: Did you get a cut of their money?

V. Shuey: I never got a cut of their money.

Beall: You never got a cut of the girls money?

V. Shuey: I never — what they did or how any arrangement was made outside of that place, whether they borrowed money from those girls, the same way that I had been borrowed money from I don't know. No girl is ever going to tell me, what they did with those people, and I don't know how those girls get involved. I don't know why or who or when I would hire them. Onee in a while Willie Lough would drop by, here is two girls, put them to work, he is a partner he is entitled to it, we need two girls to work, they go on the pay role and they are working.

Beall: How much are you paying them?

V. Shuey: If they are messuses they got 50% of the front desk. Which was legitimate massages as far as I knew. They were hired to do legitimate massages.

Beall: What if they weren't messuses?

V. Shuey: They were apprentices, and they were paid  $\frac{1}{3}$ .

Beall: And what did their duties entail?

V. Shuey: They were learning how to give a massage. It would be just like a Nurse's Aid and a Nurse. I mean, you don't have to have anybody standing there, it is just done. And then about that time the law changed and we changed to a health and sauna club because the massage board was trying to crack down on massage parlors, because they had been busted and raided and found—and convicted some parlors for prostitution, and some girls.

Beall: The reason I keep coming back to this money part of it, it is hard for me to believe that these girls got to keep all this money they made for prostitution because that's where all the money is, you know it and I know it.

V. Shuey: They are sophisticated business people that run to attorney's for advice to keep their noses clean and out of jail. and they are working for other bigger people. They are still "buttons" themselves.

Beall: So what you are saying is if they did get something from these girls, they did it just like they did from you when you were a working girl, they "borrowed" money from them.

V. Shuey: Right.

Beall: Normally, at this Professional Massage Studio, how many girls did you have working for you?

V. Shuey: Anywhere from two to ten girls.

Beall: Just depending on what you could get or what the business was at that time.

V. Shuey: It would depend on the girls. You would hire ten girls and maybe three girls showed up today and maybe ten girls tomorrow.

Beall: At that time were they hiring girls from other states and bring them in there?

V. Shuey: No. They would never do that. That is harped to you from the very beginning. Don't cross the state lines. We can handle anything in the state. Do not cross the state lines with anybody. We will not hire them and they will be shipped out and sent back, who ever comes over.

Beall: They didn't want to get the F.B.I. involved in this thing. They didn't want to make it a Federal charge?

V. Shuey: That's right.

Beall: How long did you run this business?

V. Shuey: I ran it for one year and Biggie Chang was shot, and killed.

Beall: Was this a "Gangland" type slaying?

V. Shuey: Yes, it was.

Beall: Just tell me a little bit about it.

V. Shuey: He was shot and killed on some country road by people that they are having trial now that they have up for questioning. They convicted one guy. I forgot his name but they killed him in the jail, I do know that and they said right at that time this is an example for anybody that kills any syndi-



cate member and this is for Biggie Chang and pow we are blowing his head off for such things, and it is only examples for people like me and the rest of the girls to scare us a little bit. to keep us scared.

Beall: You said they said—who did they tell it to?

V. Shuey: Everbody in that—I only read it the newspaper the same as you can read it in the newspaper and it was supposed to have been done in a security cell and the guys were out, four or five of them, they were all locked up in special little cubicals where nobody could get to them, right? But, still they wanted them to know that anybody could get killed even in jail, that it didn't matter.

Beall: But nobody came to you and said, hey, this is what happens to people that mess with some of our people?

V. Shuey: They came to me and told me that.

Beall: They came to you and told you that? O.K. when you say they who do you mean?

V. Shuey: Alex Sakamoto and Joe Eng.

Beall: They said this is what happens.

V. Shuey: Yes.

Beall: O.K. At this time—you were—let's see this was how long you say you ran a professional deal?

V. Shuey: One year.

Beall: One year. Did you quite or did you go on to bigger and better things or what?

V. Shuey: At that time I wanted out, and they didn't want me out

Beall: Go ahead and tell me then just what you did.

V. Shuey: While I was at the professional massage parlor, I started going to real estate school. I liked

and saw real estate was moving in Hawaii and Nevada. It was booming time and I had had it. I didn't want this type stuff, and I felt I could make my \$1000 a month on my property payment, plus pay them back if worse came to worse by selling real estate. So I went into it, I didn't pass the first test but I passed the second test and I took a real estate exam, and I stayed completely out, I walked out of it, and I went to Arkansas.

Beall: You walked out of the massage business?

V. Shuey: I walked out of it. I left my share there and I said you can give it to any son of a bitch you want to, I don't want it.

Beall: Didn't take any money?

V. Shuey: That's right

Beall: Didn't sign anything over to anybody?

V. Shuey: I signed it all over to them.

Beall: Did you?

V. Shuey: I did.

Beall: Did they take you to an attorney to do it?

V. Shuey: They took me to an attorney to do it.

Beall: Do you remember who they took you to?

V. Shuey: Horatio Sherrill

Beall: O.K. So you just signed it over to the other three partners? And left?

V. Shuey: And left.

Beall: Alright, where did you go?

V. Shuey: Hot Springs, Arkansas.

Beall: Is that your home?

V. Shuey: That's my home. My Mama and Daddy live there.

Beall: How long did you stay up there?

V. Shuey: Thirty days.

Beall: Go ahead and tell me what you did after that.

V. Shuey: Oh, they sent me nice invitations to fly to Las Vegas. They were flying junkets to Las Vegas and to come on out everything is cool. You don't have to be with us in the massage business, your just a good person. Your a nice business person. If you really want to sell real estate that bad don't worry about it, don't sweat it. Come on back to Hawaii. Hawaii is your home, you know, blah, blah, blah, etc., etc., etc. You believe them.

Beall: Your talking about your partners wrote you these letters? Is that what you are saying?

V. Shuey: Oh, they phone. They don't write letters. They don't even phone that often. If they have some business for you to talk to them with you, you better get on that plane when they say, hey, meet us in Las Vegas, we'll talk. But, they don't say it in that word they have—Let's go fishing, or don't you want to play craps or the twenty-one table and you better damn well be there. Because if your not, someone is going to escort you out there in a pine box or with your legs.

Beall: And, you know right where to go when they told you to come there?

V. Shuey: Your right.

Beall: Where did you go, to this same Casino?

V. Shuey: Different ones.

Beall: Oh, they would tell you where?

V. Shuey: Oh, they would have a junket flying in such an such Casino. I have credit limits out there. One thing too that I always believed that they might

have done, and I don't have any proof of this . . . This is only my opinion. I was in gambling and dealt Blackjack in Lake Tahoe for two or three years—Just small scale, small time not big time gambling right? But I know just a little bit more about it than the average person of the working girls because I had dealt it and had worked dealing, legitimately. Blackjack in Nevada. I had always felt, in my opinion, these girls would go on these — fly to Lake Tahoe or to the South Shore or to Las Vegas or some place, and they were making good money. I thought this might be the way they—that they got it back. I know "cut up" dealers. O.K., I can spot them.

Beall: What do you mean "cut up" dealers? Do you mean somebody that is cheating?

V. Shuey: Right, cheat dealers. O.K. I can tell, you know. I can't tell on the dice tables because I never worked dice, but twenty-one I could tell enough to save myself because you—they're just different people, just like people know when they are policemen But, I always felt that rather than borrow money from a girl like they had to do to me, she would go to Las Vegas and go on a trip and lose her money legitimately over a Blackjack table or legitimately over a crape table that she didn't know what was happening. If she owed a \$3000 debt up there or a \$5000 debt, and they gave her plenty of free booze and plenty of free Champagne, and everybody is saying, oh come on baby, roll the dice for me, you are going to make it this time don't worry about it you are going to make it this time, she doesn't re-

alize she is going to go down the tube and she is going to walk away owing those people markers because they are going to take it away from her and even if they have to pay her she don't know what she is supposed to get payed, she don't know.

Beall: So then they got her and they send her to Hawaii or wherever.

V. Shuey: That's only my personal opinion. I think in my own personal opinion they wouldn't borrow from everybody like they did me because that's to—they are not blasen they are very conservative and they are going to know what they are doing and where they are doing and how they are doing it. And that would be easily set up in a Casino.

Beall: You are back in Hot Springs and you start receiving these calls and inviting you to these junkets and everything, did you go with them?

V. Shuey: Oh yes, I went. And I even got a partnership in a legitimate junket.

Beall: I don't really understand the operation of a junket. That's just somebody that makes arrangements to fly people different places?

V. Shuey: Legitimately. I wanted; to be legit, right? Supposedly even Dallas, Texas had where you could jump on a junket go to Las Vegas for a flat fee play, room, food, beverages free, right? And that's legitimate.

Kennard: Velma answer me this one straight out, if you got a call to make a trip you went, tell me why you went?

V. Shuey: In fear of my life. And if they call me, which they will today, tonight, tomorrow I would

still have to go because I would be dead anyway.

Beall: If you didn't go?

V. Shuey: If did not go.

Beall: O.K. So you open this legitimate junket, is that right?

V. Shuey: I didn't open it.

Beall: That's the next step you take?

V. Shuey: That is the next step I take. I get my real estate license and they see I am going to make it on real estate alone, right? And so then they don't want to complete — I mean, I have closed my doors to those people. I am associating with real estate people now, and they have all my time, and I am successfully succeeding in real estate because I am putting my whole heart and ten, twelve hours a day into it. That's when they don't want to let you completely go because I can make it in that business. I know I can and they are seeing I that I am doing it. So then they offer me a legitimate business. I love Las Vegas, I want deny that anybody is going to like a free trip to Lake Tahoe once a month. Not only that, they had my divorce tied up and they wouldn't let it go because then I would have been able to liquidate my property in Lake Tahoe. I would have sold it for nothing just to get out from under the \$1000 payment a month so I could legitimately live the way I wanted to live, but they can't afford to let my divorce finish, so they say as long as you are a partner in this junket you can fly up to Nevada and settle your divorce case any time you need to you get a free pass. This is saving me \$300 a trip. Those attorneys are saying come up for dep-



ositions, you have to do it in person in the state of Nevada, come up for interrogatories, come up for this, come up for that. They are constantly subpoenaing me to have me go up there, but—you think, gee whiz, what's a \$1000 or \$5000 to become a partner in a junket if I get to fly up there once a month. That saves me \$300, ten months that is \$3000. I am getting a free roll and a partnership in a junket, why not.

Stone: Who were the lawyers that kept subpoenaing you back and forth.

V. Shuey: But I mean, it is legitimate. I had hired and it was legitimate. What they were doing was legitimate. You have when there is a divorce case to take interrogatories and depositions to make a case easier and especially like I was in Nevada, I mean, I was in Honolulu, and my divorce was in Nevada, so I mean it is just normal procedures. You can not get them for that. I mean, what they were doing was — they were doing it, but it was legal. There was Don Duphlin was his name and then I went to Don Wynns, he was a very straight attorney, he told me straight what they were doing. He told em he feared his life. He faked a heart attack and refused my case, and turned it over to Lack, Salisbury, & Allison, who they told me to hire. He absolutely did not—he is a state man. I went to my banker whose son, Jean Laberty, was becoming an attorney he had just graduated and he hadn't gotten his bar license yet and he was working in the insurance division with Don Wynns out of the state building, and I went to Don Wynns, and Don Wynns

just layed it to me, he is a state man, I don't know what he was but he was an attorney for the state, he was an insurance man for the state, he was a very level honest person and he told me he said, "If you ever breath it I am dead but I have been told to turn your case thumbs down, give you back your money and forget you". "You better watch from now on who you deal with". I said, "I know Don, I'm already, I've been watching". He said "Well, as long as you know, I just had to tell you because you seemed too nice of a person".

Beall: Why didn't you—he put you on to these other people?

V. Shuey: He told me he had a heart attack, it is on court record that he had a heart attack. He never had a heart attack. He didn't even show up to his office for two or three weeks he stayed home, stayed out of it and therefore they had an interrogatory or something, I had to have an attorney so he told me to go to a Joe, some kind of, Martin, he thought that he might could handle it for me without having to go to these people. That he was told for me to have to go to, I don't know how to say it. So, I went over to the Martin, an I told him he could handle my case, boy, they screamed and flounced on that guy so fast he said forget it. I wouldn't handle your case, I wouldn't touch your case with a ten foot pole if these people are involved in it. There is no way I can tell those people not to be involved in it because in the first place they have loaned me money for that big parcel of land up there so they tell me we've got some say so in this because we are

going to make sure John Shuey doesn't get any of that, you are going to use our attorney's. So Jimmy Hunes and his right hand man, everybody knows his name so it's not going to be hard to find . . .

Beall: Jimmy Hunes and his partner any way, these are the people that you went to then. These are the people that started handling your case then?

V. Shuey: No, Lack, Salisbury, & Allison.

Beall: O.K. Who is Jimmy Hunes?

V. Shuey: Referred me to go to this law firm, through Joe Eng.

Beall: O.K. What did they do with your divorce case?

V. Shuey: They kept dilly dallying with it for another year and a half. They would set it on record, Judge Gregory would go fishing, Judge Gregory would go to the hospital for an ulcer attack the day before mine would come up on court file, I'm fuming at the mouth to say the least. I was tied up over three years trying to get a divorce. It's unheard of but it was true, and I had offered . . . I had told them let John Shuey have anything he wants. No you can't do that. I said, but it is giving me ulcers, right? I mean, when you get strapped in a corner and you have to make out \$1000, \$2000, \$3000 each and every month that's a tight row to hoe for anybody whether you are legit or wheather you are illegit, and you can not keep it up, nobody can. Then I was lucky.

Beall: During this period of time you were still running this junket? During all this was going on?

V. Shuey: Yes I was.

Beall: Were you making pretty good money at that

legitimately.

V. Shuey: I think I made anywhere from \$500 to \$1000 to \$1500 a month depends on how many people went on what particular junket at what particular, whether we went to Las Vegas, whether we went to Lake Tahoe, or whether we went to Reno, whether we took 50 people, whether we took 80 people or a 100 people.

Beall: O.K. You made a substantial living at it?

V. Shuey: I made half enough money from my junket.

Beall: And you have the kids at this time with you? You are supporting your kids?

V. Shuey: I did. I have always supported my kids.

Beall: What did you do next? After the junket ended . . . how did you get rid of the junket?

V. Shuey: The junket never ended

Beall: It never ended. You've still got it?

V. Shuey: As far as I knew. I don't have it now, but I mean, I might still have it now I don't know. I am not an acting partner so I am not drawing a salary. But, if they were to call me tomorrow and said, hey, it's your turn to run the junket for ten times, we've run the junket for ten times. I would feel like I was still obligated and I would therefore have to do it.

Beall: Then what did you do, you just phased out, what did you do?

V. Shuey: I did ease out of it only because they suggested it me, "Hey, you've been really cool you are making it in real estate, you can run your real estate and have Health & Sauna and Health & Sauna, but they weren't named at that time, you can have

two locations if you want to you were so good with us and professional and honest . . . blah, blah, blah.

Beall: Is this Joe Eng again.

V. Shuey: This is Joe Eng again.

Beall: He is talking to you directly?

V. Shuey: Yes.

Beall: So, what did you do, did you take the two massage parlors?

V. Shuey: Why naturally everything is going beautifully, I'm in my real estate, I am doing alright. I have my junket I am doing great those people aren't going to harm me. I'm making good money. And if I think they are setup good enough even though Biggie Chang got killed that they have another partner that can handle the strong arm, which is Alex Sacamoto by this time and they introduce me to him and he seems cool enough why not that is another \$1000 or \$2000 that is going to help relieve my pressures on the land. I can pay them back and get rid of them.

Beall: Alright. You are going to run these two massage parlors yourself?

V. Shuey: They are going to be in my name but at the attorney's office there is going to be partners.

Beall: Alright who is actually going to do the managing of these massage parlors these two massage parlors you are talking about now?

V. Shuey: Well, I mean, they are going to be in my name, if there is trouble there is Alex Sacamoto, if it is just hiring, firing straight girls, I would not get involved in prostitution. I didn't want to, and you would hire girls not to prostitute and you would

tell them You would get nice signed, sealed, notarized copies that the girls would not legally, or illegally, touch or fondle or do this, that, that, that. Some paper that the attorney's drew up protecting me and I would tell that girl she better not do it. Now, what they told that girl in a coffee shop, I had no knowledge of because 98% of the time I wasn't even around those parlor's because that was my agreement. Alright, I will manage it. I will hire and fire people but I want to work my real estate. I don't want to technically get involved in either one of these places.

Beall: Alright. Did you hire managers for these places? Somebody has got to be there to take care of the money end of this, somebody you can trust a little bit to get the money.

V. Shuey: But, they weren't . . . nobody was ever managers

Beall: Who was there during the daytime to take care of the customers?

V. Shuey: Adaline Brown was at the front desk and who ever girls you hired would just handle it.

Beall: Themselves?

V. Shuey: Themselves.

Beall: What would they do with the money at the end of the day?

V. Shuey: They would write it on a piece of paper and either I would pick it up or Adaline Brown would pick it up or Willie Lough would pick it up or Joe Eng would pick it up. It was no set thing because I told them personally I wasn't going to do it seven days a week, six days a week, five days a week, what



ever we was doing it. I wasn't going to get that involved

Beall: Do you have any ideal what a gross would be for say for a week at these massage parlors during this time?

V. Shuey: It depends on what girls showed up. How many girls you would have working for you. I never did puch Y Li or the Reef, they were money losers because my heart was not in it.

Beall: You are saying the Y Li?

V. Shuey: The Y Li Health and Sauna

Beall: Where was that located?

V. Shuey: 3104 Y Li Ave

Beall: And where was the other one located?

V. Shuey: Reef Hotel. Reef Towers or Reef by the Ocean, I don't remember, Cinerama Reef Hotel

Beall: O.K. but it was a massage parlor?

V. Shuey: It was a massage parlor but that one was actually run straight because it was in the hotel. Jim Napler had it written right in the contract that it was to be ran straight and if it was not ran straight our lease was over, terminated, wiped out He was not going to have an illegitimate place in his building

Beall: Now how much money or what percentage did you get from these massage parlors for the massages?

V. Shuey: If I massaged I would get 50% because I was a legal masseuse

Beall: No I am talking about the girls you had working for you, the girls you had hired to run the place.

V. Shuey: If they were masseuse you got 50%

Beall: And you got the rest of it?

V. Shuey: Me and my partners got the rest of it

Beall: Then you had to have a whole lot of trust in you partners to know if you were going to get you share of the money?

V. Shuey: You either had a lot of trust or you were dead, so it didn't matter.

Beall: Did they ever give you your share of the moneys. Was it a monthly deal, would you get your part

V Shuey: I would receive a \$500 check each month from each one of the parlors or it might have been raised—a couple of months I drew \$1000 from it But, it was only because they knew I needed it to make a property payment And, I wouldn't be running junkets at that particular

Beall: Did you hire and fire employees yourself for these two massage parlors.

V Shuey: Sometimes I did, sometimes I didn't

Beall: Mainly what you did was on paper?

V Shuey: That's right I was a button

Beall: Now, how long did you manage these two places?

V. Shuey: I bought Y Li Health and Sauna in January. I bought Reef Health and Sauna in March.

Beall: In what year?

V. Shuey: '73 I saw in May it was a trap, for me again. I went to all the girls and I told them flat out straight "If I were you'll I wouldn't even work here." So, one of the girls goes back You think you are doing the girl a favor right? You really think you are going to help the girls because you don't

want them to get involved in this shit, because I've been there and I don't want anybody to get involved in it I don't want anybody to get hurt, that's their life, so I told them all "Get out of it". This might be easy money but you'll be damned better off working at a drive-in making \$40 an hour plus tips than you will be working where you are.

Beall: Did any of them take your advice?

V. Shuey: Some of them did and some of them went back to the people and told them and then my throat got hung. That's when Alex Sacamoto was put on my butt.

Beall: Did they chastise you a little bit? Did they come to you and say, "Hey, what are doing runing your mouth and running the girls off", are anything like that?

V. Shuey: Yap.

Beall: Who did that?

V. Shuey: Joe Eng

Beall: Exactly how did they put Sacamoto on you, I didn't quite understand that?

V. Shuey: Well, he just happen to open a lawn mower shop across from Y Li Health and Sauna in January the same as I just happened to have bought it because it happened to be available and I could get my real estate commission on that particular piece of property, so the down payment was very low so what could you be losing but you are in debt another \$685 a month. in my name.

Beall: So, you met Al, that is the way you met him?

V. Shuey: Right, he owned the lawn mower shop across the street

Beall: so what better guy to help watch—you know, if you have any problems we know this local boy over here, just give him a ring and he can call us so that way no cops are involved, no police officers and we are just here, right there, and right there, and we will be down, and he is a good guy.

Beall: Where did you do from there, from just being a good guy to calling him when you needed him? At what point did he start staying with you and being with you all the time.

V. Shuey: Well, you just know when somebody is there right? You know he is there and you know what you have done already. and they tell you what you have done, and so you are aware of this fact that that guy just don't happen to be across the street and he don't just happen to be sitting there counting the customers that is coming in.

Kennard: Who told you what you had done?

V. Shuey: They don't tell you they just look at you and you know that they know.

Kennard: No, this Joe Eng, he talked to you didn't he?

V. Shuey: Joe Eng? He talked to me they are very carefully said what they say so that you can never say that he talked to me

Kennard: What consensus did you get from the conversation that you had?

V. Shuey: The girls themselves would came back and said that they were supposed to tell me this or that The girls that did not leave you knew they told or they would not be there.

Kennard: Did he talk to you personally?

V. Shuey: No, that is what I am saying that the girls

are setting there and you know well she didn't leave because somebody told her to stay She is a girl just like me They have got there clamps in her They run home and tell everything

Kennard: Alright, they put Alex in the lawn mower shop across the street from your business, take it from there and develope up to the time that he comes in tight with you.

V. Shuey: I know Alex is there and I know the only way—Alex is a simple minded person the same as anybody else Everybody likes sex I've been in the business five years, I know it as good as anybody else, so I'm good at what I do and if your not you better get out of it It doesn't matter if it is police officers fixing lawn mowers or prostituteing I did a good job on him Every day if he wanted it Three times a day it didn't matter if he wanted it, for free Take him on a trip to the main land, so what I know he is going to blow my brains out if I'm not extra good to him Any amount of money I have to spend on him it is just insurance money for another day of my life I don't care

Kennard: Did he make you believe that or did somebody else make you believe that?

V. Shuey: Nobody made me believe that you know that

Kennard: Something made you know it

V. Shuey: Nothing made me know it Just like I know you are a damned good cop nobody don't have to tell me that I know it from the way you look at me.

Kennard: It comes from somewhere

V. Shuey: It came from an extra sense sixth sense

Nobody knows it is just there.

Beall: But you know now in your mind from the time you first met Sacamoto that he's—what is his name?

Palula—is that his name?

V. Shuey: I don't know his name Paloua or Palula

Beall: He is supposed to be the head of the syndicate in Hawaii?

V. Shuey: Right Well actually they tell you he is a hit man Joe Eng told me he was a hit man, Alex Sacamoto and Palough I don't know how to pronounce those names You know that he is—but he is still only a button He is a front man

Beall: Who is?

V. Shuey: Palough or what eve rhis name is Oh, he is a top guy

Beall: But, he is still a button for the big boys?

V. Shuey: Right Nappy, right?

Beall: Yea, Nappy that is who Nappy Alright you know they have put Sacamoto on you and you know what he is there for He is there to watch you and make sure you don't run your head at anybody or—and stay in line, is that right?

V. Shuey: That is right

Beall: In other words then he can report back to the powers?

V. Shuey: That's right That is so I don't ever land where I am right now

Beall: Now how long did this go on in Hawaii like that?

V. Shuey: March

Beall: March of what?

V. Shuey: '73



Beall: March of 1973 Well what happened then?  
What happened to change the deal then?

V. Shuey: What changed the deal then? Ah, nothing changed I just knew he was there I knew I had to pay bills I knew I had to play it cool I knew I had to try to sell property and get it sold. I knew I had to try to close these shops down in order to save my credit. so I had to play along, so I just gave him like I said extra good lovin' At first I wouldn't give him nothing, right? And there isn't anything especially a syndicateman if they want you to go to bed with them you had better do it but I would n't But, I knew that I had them at that point because I had two massage parlors of their's so I didn't have to go to bed with Alex Sacamoto but, that made him want me more, because I was going to bed with Joe Eng so therefore I didn't have too So I stayed away and I played it cool and that way he wanted me more If that makes sense?

Beall: Joe Eng then, is that what you were talking about a while ago that you went to bed with two or three times a day was that Joe Eng or was that Alex?

V. Shuey: That was Alex.

Beall: Joe Eng was he or as for as anybody knew over there or thought did they think you were Joe Eng's girl?

V. Shuey: Yes they did.

Beall: Did he take you out and party and you know, the whole bit? Is that right, for a period of time?

V. Shuey: Well, he wouldn't take me out and party but on the junkets it was known that I was Joe Eng's

girl Nobody don't touch Joe Eng's girl. And, anything Joe Eng's girl wants she asks for she gets

Beall: And you liked that, right?

V. Shuey: Well naturally, you want \$1000 to play with and they hand it to you. Great, you are going to play it, what the heck why not it is free.

Beall: Joe Eng would he go so far as to—by the way how long were you, were you intimate with Joe Eng?

V. Shuey: From the very first day that is what made it so nice

Beall: Until—when was the last time?

V. Shuey: September, November of '73

Beall: The last time you say him?

V. Shuey: The last time I was intimate

Beall: When was the last time you say him?

V. Shuey: Well he, that was probably the last time I saw him, but that was when Alex claimed me.

Beall: Do you know anything about, or have you heard anything about Nappy and Joe Eng being on the outs with each other?

V. Shuey: They never were on the "ins" with each other They are two different syndicates, supposed to be. Biggy Chang, Joe Eng, Mogan Eng.

Kennard: Did Joe back off from Alex?

V. Shuey: It's only a game so therefore I can't run to Big Daddy and say get him off my back, right? They would tell me you either become a button and run those two massage parlors and get a salary and run the junket and get a salary move to Koni-oi and we can protect you Your kids can do to this school or that school. You can have a cocktail lounge. you

can have anything you want or you are stuck with Alex Sacamoto because we can not run over Nappy because Nappy is—I mean Alex Sacamoto is Nappy's boy. But, it is all games they are just telling you that.

Beall: Alright, what did Joe Eng think about it when Alex Sacamoto took over in his place? You know, with you?

V. Shuey: He did not like it, but it's a front. He don't care anything about me. He is married and got three kids He would never leave his wife for me

Beall: Well, I know but wouldn't it be kind of a put down or something for this Alex Sacamoto who is not in the same position as Joe Eng is, is he?

go with Alex Sacamoto But, he begged me and was going to give me the world, but I have been given the world three times and I mean, how many more times can you go buy another cocktail lounge and run two massage parlors and run real estate I am working 24 hours a day to pay for something they are going to end up with So I had rather taken my chances with Alex Sacamoto falling in love with me, honest falling in love with me, than become something working 24 hours a day.

Beall: In other words you figure the deal with Joe Eng would be just another step just like you have been going?

V. Shuey: Just down the tube a little bit further. I mean, it is a beautiful proposition. You have got a junket bringing you in \$1000 a month, you have got two massage parlors bringing you in \$500 each and then you are going to get a cocktail lounge, you are

going to make \$1000 off of that. That is \$3000 a month but you own property that they own paying out \$1000 a month, you own Y Li Health and Sauna paying out \$685 a month on that plus you have a house up there at Lake Tahoe that John Shuey is living in with his girlfriend and he isn't paying anything and that is \$300 a month. I mean, where does it end? You have got another lot that belongs to them, that is another \$250 a month. Everytime I would get \$3000 I would invest it in real estate.

Kennard: Is Alex your partner now?

V. Shuey: In what?

Kennard: With you are anybody else that you know of?

V. Shuey: He is a partner.

Kennard: Who with?

V. Shuey: He want talk to me. He is in with Nappy Nappy is George Perry, Black Perry, I don't know if that is there real names. I've never met those people. I have met Black. He works as a fireman He is a good guy but he is a bad guy.

Kennard: Works as a fireman where?

V. Shuey: Honolulu Hawaii. And George Perry is worse than Nappy is.

Beall: George Perry is, O.K. he is worse than Nappy as a person do you mean or do you mean he is higher than—.

V. Shuey: More cold blooded He is one of the people that you never hear about. Nappy fronts for George Perry and what is that guy—Alema and Nappy. Alema is the hit man.

Kennard: Do you know Alex is a hit man.

V. Shuey: I don't know it. It is all hearsay, but what happens is he knows karate maybe not well, maybe he is only a white belt, but he knows is well enough to convince me that he is—.

Kennard: He doesn't know it too good or you couldn't have knocked him on his ass and run, could he.

V. Shuey: He didn't expect it

Kennard: Well, what is Karate?

V. Shuey: No, you are wrong on that because I have been with these people long enough and a karate person or anybody else if you relax and you become humble, they relax too. Even you as a police officer if you are frisking a man and he relaxes and he becomes humble and you are not as brazen and bold as you were in the first place and that guy can kick you at that point and get out. It only takes a split second I have been there long enough I mean, I don't care how professional you are. All I am saying is if you learn a little bit and you learn as you go along because you have paid for it.

Beall: Alright, let's go on back here you are still in Hawaii and Sacamoto has come into you now and he has already fell in love with you now and everything running and Joe Eng is out of it as for as the intimate part of it now you are going with Alex. You are Alex girl Alright, Alex's money did you pay him any salary?

V. Shuey: He just collected my rent and kept it and spent it

Beall: That is how he got his money was through your rent?

V. Shuey: Right, or anything else he wanted to take Y

Li Health and Sauna, if it ran 30 days, he just kept the money if I was up here.

Beall: Were you going back and forth from Hawaii to—?

V. Shuey: I made a couple of trips to—no Hawai'i to—well I have been to Hawaii and Nevada, I've been to Dallas and Hawaii.

Beall: How long did this go on in Hawaii with Sacamoto there with you in these two massage parlors?

V. Shuey: I went to Jim Napler. I told Jim Napler at the Cinerama Reef Hotel I wanted out of the lease. They wanted the Reef Hotel in the worst way so it was a "no no" for me to go to Jim Napler and say hey get somebody busted or do anything or get this where I don't pay the rent on time or whatever. I don't care what you do but I want out of that lease. I am not going to give it to the people and if I give it to the people you guys are going to be in trouble. Jim Napler was a straight guy. He didn't want any of that rif-raf in his hotel. He was glad that I came to him and he drew it up where he threw me out of the hotel because I didn't pay my rent on time.

Beall: What did they say about that? It looks like they would want to lend you some money to pay that rent.

V. Shuey: They did want to lend me some money to pay the rent but the guy had already gone—I was ten days late with the rent plus I didn't run the place 9:00 to 9:00 like I was supposed to and I just told them it was my mistake, that it would be ran from then on, you know but Jim Napler was already prepared and it only took one warning and the next time the rent was late three days which he told me



to mail it and he would say it was inferior in the mail even though it was stamped that he didn't get it.

Beall: How much property are we talking about, we have been talking about property all night.

V. Shuey: Total cash value would be \$100,000 maybe.

Beall: If you were to sell it right now?

V. Shuey: In my opinion that is what it would really be. I don't know what it would really be.

Beall: Alright, where would this property be? Where all do you have property?

V. Shuey: Burleson, Texas, Dallas, Texas, Incline Village Nevada, Honolulu, Hawaii.

Beall: In Burleson you have what the massage parlor and what, two acres of land?

V. Shuey: One acre.

Beall: And the trailer house, the trailer house is yours?

V. Shuey: The trailer house is mine.

Beall: O.K. In Dallas what do you have?

V. Shuey: 4112 Lemon Ave.

Beall: Which is what? Is it a building?

V. Shuey: A building, a two story brick building.

Beall: And you operate what in it?

V. Shuey: A fashion modeling shop and there was a nude modeling shop up stairs, which I have not operated for two weeks.

Beall: The nude modeling shop upstairs, prostitution went on up there right, at this nude modeling studio?

V. Shuey: Not to my knowledge, honest. People signed things where they were not to perform illegitimate

acts.

Beall: I know, you sign this you sign that but I'm talking about what you know.

V. Shuey: I don't know that they did because Jay Davis said they didn't. Vic said they didn't, who was in charge. We put peep holes on the doors so they wouldn't. I don't know that they did and I don't know that they didn't. I'm not trying to coy about it. I was in Hawaii for three weeks, I've been in the hospital for two weeks, I was in Burleson when they first opened the place up working night and day myself I never was involved over there. I didn't like the nude studio, I never got involved in the nude studio, I never even went upstairs in the nude studio

Kennard: Are you sole owner of it or part owner of it?

V. Shuey: Now? I am sole owner on paper but part owner in person or whatever, in the attorney's office.

Beall: How much money would it take to get you out, in other words, how much money does this attorney have in it, or what ever it is, person to person, if you wanted to get out right now?

V. Shuey: People would have to rebate me \$25,000.

Beall: \$25,000. And what do you expect to happen to that? Do you expect it to be yours ever or do you expect to just lose that \$25,000?

V. Shuey: I expect to run—I hope, with any kind of luck at all, if I am fortunate enough, in Dallas Texas, to walk away from this I am going to run Fashion Model Shop out of there. And I hope to end up with that property and that property in Burle-

son and that trailer house and this is going to be my home. It is going to be legit. I don't want to move into Hot Springs Arkansas because this has never been—I've never been a small town, city girl, I mean, I just can't hack living with Mama and Daddy. They are good people and I don't want to bring any thing that I would do—.

Kennard: What is your intention? Running that business in Dallas and living down here in Johnson County?

V. Shuey: I don't know. It depends on how that business in Dallas would be. I can't afford the drive from Burleson over there every day. That is \$150 a month just for gasoline. I could rent an apartment —.

Kennard: Explain this one thing to me now, in here in this County Clerks office the legal description, the legal papers filed in there, you are the owner of that property. Tell me or explain to me how anybody else through a lawyers office or any other papers, could own that land up there other than you?

V. Shuey: If I died today, that belongs to me. And there is no other way. That's why I have never—.

Kennard: If she died today there is not any other legal papers that can take that land away from her that is filed in that County Courthouse over there. I don't care if Sacamoto kills her or what. She is the owner and it will go to heirs. (meaning property in Dallas).

Beall: How do you figure Jay Davis still a partner then?

V. Shuey: Jay Davis is a partner through those pieces

of paper. But, Jay Davis would not take a chance on being exposed for \$10,000 or \$15,000. They would figure in there mind that my parents can't handle the payments so they would sit back and laugh and wait until it went up for taxes or wait until my parents couldn't make the payments. Because the word would go out that if Mr. Walter A. Cook, quote unquote, tried to sell Velma Lee Shuey's deceased property for sale, nobody buys it, we want to pick it up for payments.

Kennard: What if I wanted to buy it. What would they tell me?

V. Shuey: They couldn't tell you anything, right? But, this is why I came out of a state that I couldn't handle hoping to try to salvage something for my kids.

Kennard: Alright, now let's get down between the nut and the hull now in Johnson County and the operation out here. How did you run this out here? You had girls that weren't masseuse, that never had trained masseuse. You had girls in there—I'm going to lay it out plain vanilla—they were just filling dates for so much money which was supposed to be unknown to you which I can understand as you want to create the picture of what goes on behind closed doors you don't know. It's none of your business. But, let's get on down there. How much cut, how did you run your business? How much money did your girls get and how much did you get? 60/40 50/50 or 40/60?

V. Shuey: I didn't take money from those girls. If Alex Sacamoto took money from those girls it was Alex Sacamoto. I don't know. They wouldn't let me

get involved as owner of the property.

Beall: We are talking about these girls right here in Burleson.

Kennard: I'm talking about right here now. I'm talking about this little dude right out here.

Beall: We are talking about yesterday and today and two weeks ago and three weeks ago now Velma.

Kennard: And I'm talking about since January.

V. Shuey: There is no reason for me to say this on tape, you know and I know.

Beall: Normally, you told me now that the split with the girls is—and when I am saying the split with the girls now we are talking about the money for the massages and we are talking about any money that they do for prostitution, normally who ever runs the massage parlor is going to get a cut of this, is that not right?

V. Shuey: Sometimes they do, some times they don't. Some massage parlors are run straight just to keep the heat off of all of the massage parlors. Only if you pay to the syndicate can you run yours crooked.

Beall: Even in the state of Texas?

V. Shuey: In the state of Texas.

Beall: You are saying the massage parlors in the state of Texas pay money to the syndicate to operate illegally?

V. Shuey: In the state of Texas there are syndicate people.

Beall: Do you know any of them?

V. Shuey: No, because they send out people like Jay Davis.

Beall: Jay Davis, Have you ever heard of Sam Cory?

V. Shuey: Sam Cory.

Beall: Do you know Sam Cory.

V. Shuey: I have never met him. You deal with either Sam Cory, Jay Davis—who is the other one?

Beall: There is about four that I know of.

V. Shuey: He owns the Geisha House down in Houston.

Beall: I don't know. I can't come up with it.

V. Shuey: There is four of them, four main ones that I—.

Beall: But they are small people?

V. Shuey: They are not small people. They burn there own massage parlors down if you don't contribute.

Beall: I mean though, you don't think they are actually members of "The Syndicate", do you?

V. Shuey: I believe they are members of "The Syndicate". This particular man has a Geisha House in Ft. Worth. How many people get in Ft. Worth? I can not even advertise in the Ft. Worth Press. The Geisha House is advertised in the Ft. Worth Press. They will not let me. How does he get in there and advertise?

Beall: They won't let you advertise in the paper?

V. Shuey: That is right.

Beall: As a massage parlor?

V. Shuey: That is right, and that is illegal. I mean, they are discriminating when they do it.

Beall: I know in the Ft. Worth Press but you do in the Ft Worth Star Telegram.

V. Shuey: I do not. They will not allow it.

Beall: A guy just told me, here earlier today that he had a news paper clipping advertising massage.



V. Shuey: That was the Geisha House & Massage.  
 Beall: No, it was this one, how to get down to this one.  
 V. Shuey: Not out of the Ft. Worth paper, only in Dallas and Waco is the same way. I mean, how can he get in the newspaper? You think you don't have syndicate people here and you do.  
 Beall: What is his name, do you remember?  
 V. Shuey: I don't know. There are three names that I know. There is Sam Cory and there is Jay Davis it is—. What is that other guy, you know him.  
 Beall: Do you know who she is taking about?  
 V. Shuey: But, I don't want none of those people on me. I have enough people on my back.  
 Beall: We are not trying to put nobody on you, I am wanting to know about it. How about, have you ever heard of Doris Riggs.  
 V. Shuey: No. Those are just front girls for the guys, that is all it is. The way I am layed out is the way everyone of them is layed out. I know it is.  
 Beall: I can't come up with this guys name but I know which one you are talking about.  
 V. Shuey: Sam Cory, you have got it some place, I know you do, Jay Davis.  
 Beall: So you have got property in Dallas and Burleson and what have you got in Nevada? What have you got in Nevada now?  
 V. Shuey: Two commercial lots that is all.  
 Beall: And, don't own a home anymore?  
 V. Shuey: I traded, I borrowed money on the home for Dallas property and then I traded the rest of the equity for the rest of it.  
 Beall: You say commercial property, you mean there

is nothing on the property?  
 V. Shuey: There is nothing on the property, raw land.  
 Beall: In Hawaii you still own what?  
 V. Shuey: 1238  
 Beall: What is it, a house?  
 V. Shuey: It is a four bedroom house in 3104 Waialae, Waialae Health and Sauna in sitting on that. by the lake, apt. #406 apt. #5.  
 Beall: You own those?  
 V. Shuey: I have equity in them.  
 Beall: We have got you to the time that Sacamoto had got with you and some where along the line you came to Dallas. When did you decide to come to this area? When did you decide to come from Hawaii back over here?  
 V. Shuey: When I tore down—when I tore down the Reef in September. and pushed the people against the wall it was time for me to leave. So, October I came up here, met Jay Davis, worked at Imperial House of Massage because I know I'm crossing the state line, I know I'm running to another massage parlor which has got to be syndicate or they wouldn't be here.  
 Beall: You worked at the Imperial?  
 V. Shuey: I went as a friend to help him learn how to run his massage parlors there. Nobody sent me. I just happened to be flying home in October, picked up a Dallas newspaper and saw where \$300 or \$400 weekly for masseuses. When I got to Hot Springs I called for a job. I just thought well gee, that's closer to home, I'm going to make the same amount of money, I'm going to be out of Honolulu, that's Fed-

eral, that's transporting, that's state, that's it Velma you have got a chance. 'Cause I couldn't own and operate a massage parlor in Nevada. I was pressed in Honolulu to either join or like leave. They know I can't survive if I leave. They thought, but I mean Dallas had massage parlors so they would have to have owners so as owner to owner, person to person —.

Beall: You contacted Jay Davis the first time was on the phone?

V. Shuey: I never talked to him on the phone. I called his place of business and asked them if they needed a masseuse. That they were advertising for a massage person. I spoke to Gail. She said sure, we are taking applications, as anybody would on the phone. Come on down and apply for the job, if your looks is satisfactory we will hire you.

Beall: Who is Gail?

V. Shuey: Gail is his receptionist at Imperial House in Irving, Texas.

Beall: What is her last name?

V. Shuey: I don't know. But I mean, she is a good employee.

Beall: The reason I am asking people's names is I want to know people that are involved in massage parlors, and I am going to ask you these names.

V. Shuey: She involved the same way I am involved. It is nice on paper but you can't get out. And Dee Dee, over there is supposed to be the top syndicate man's girlfriend that is out of Louisiana.

Beall: Who, Dee Dee?

V. Shuey: Dee Dee.

Beall: What's her last name, you don't know?

V. Shuey: I don't know.

Beall: Describe Dee Dee to me.

V. Shuey: Dee Dee was busted, one of the girls that was busted over there. I know that.

Beall: You mean here recently?

V. Shuey: Yes. And they let her loose. She beat her prostitution rap, according to Jay Davis. All charges were dropped.

Beall: So, after you talked to Gail, and she said to come on down, did you come on down?

V. Shuey: I sure did, because—.

Beall: Who did you contact after you got here?

V. Shuey: I went to the Imperial House of Massage. I went to Gail, and I asked her for a job. I filled out an application just like I wanted a job which I legally wanted a job. I didn't have—I knew I needed a job at that particular point.

Beall: Did she hire you?

V. Shuey: She called her boss to come down because I said I was just in for the day of for the night. He came down, interviewed me. He asked me to stay over one or two more days and just talk to him. I told him that I had massage parlors in Honolulu, and the my mother was sick, and that my kids was here, and that I'd like to be closer to home. Which is all true. Margo is another girl's name.

Beall: Margo?

V. Shuey: Right.

Beall: So, you got hired on a salary basis?

V. Shuey: I got scrapped again. Jay Davis told me I would work for \$200 a week. He never paid me. He

told me I was training. After I worked the two weeks, they paid—. The first week Susie Gross was on vacation, so they couldn't pay me. The second week Jay Davis told me I was in training, so I wasn't going to get a salary. That the next week I was going to get a salary. So I said, bull-shit. I'm going home. So he said, "No you are not." I said, "Yes, I am." He said, "People don't mess around with Jay Davis and get away with it." "It is time for you to start working or would you like to be a partner with me". And, I thought, well, here I am. It's do or die. It's either this partnership or that one over there, so why not go. I'm already up to my eyeballs in Hawaii. So I said, "Sure, I'd like to become a partner." "Let's go buy a parlor."

Beall: You were talking to Jay Davis when you decided this?

V. Shuey: So, he flew over to Honolulu—At one particular state of the game, he was going to trade me either Irving or Kleburg for my Hawaii property. He gave me some big story about him and his wife were busted up and he couldn't live in Texas and he couldn't— But, it is all stories because I have heard stories so many times. You can sit and read the stories already. You know what is coming out of their mouth before they even say it. But, I just knew that—

Beall: Have you ever heard of James E. Floyd?

V. Shuey: Yes.

Beall: Sam Cory, James E. Floyd, William Alan Gridder?

V. Shuey: I've never heard of him.

with Dallas. Okay? They have got there own thing going and Texas has there own thing going. So, nobody, for a pigeon like me, is going to cross over. Except somebody who would be stupid enough, or fall in love enough to try. Like Alex Sacamoto might try to push Jay Davis around but, I don't think Alex Sacamoto would be foul enough to do it. Jay Davis would bow out before he would have the syndicate come after his ass. Because he knows he is just like me. If he is dead, he is dead. If somebody else comes and does a job on a guy that is already—or did do it. What is the sense? You are already dead. I don't know how to explain it.

Beall: Let me ask you this. I want to talk to you a little bit about Texas, and about the business in Texas. I have already asked you about Sam Cory. You have heard of him. He is a big shot in the massage business, and Floyd in a big shot in the business, and Jay Davis, he is a big shot in the business. Now, you—

V. Shuey: I don't want any trouble with these Texas people. I've got enough trouble.

Beall: Hey, I'm a Texas people and I want to know about Texas I'm more interested in Texas than I am Hawaii. I want it for my information.

V. Shuey: Okay.

Beall: I want to know what is going on in the state of Texas. Okay?

V. Shuey: Okay.

Beall: And, like I have already told you— I've already told you how it will be handled. Has anybody other than the three people I have already talked to you



about— Have you talked to anybody that might be tied in with the syndicate?

V. Shuey: They would not come around me after I made and became partners with Jay Davis. He would have been the same as Joe Eng over there. Nobody else would come around. Jay Davis would handle it. Right? Because he is supposedly got my confidence. I give him my entire, utter life history which he can check out and find out it is true. I'm in trouble. I need to run. I need a place to hide. I've got property. There is a pigeon. Right? All we have to do is let her have confidence in Jay Davis— become a partner with Jay Davis, and we are going to sap up all that property that she has earned in Hawaii, just like a funnell. And, we don't care who comes to Texas, because we've got Texas.

Beall: Then is there any other people. though? You know, rumors that you know about that are involved in this massage parlor operation? Especially, any public officials? Is there any policeman that you know, that have been bought? Now when I say know, I don't mean "know". Is there any rumors that you here about some policemen. You know, say, hey, we've got some D. A.'s taken care of over here in this county, are anything like that?

V. Shuey: Yes, there are public officials like that.

Beall: Okay. Do you know the rumors or which ones they might be?

V. Shuey: No. But, I could find out.

Beall: We would damn sure like to know it because—  
If we are talking to the wrong people—

V. Shuey: I don't know if I could find it out now be-

cause they would know that I am going to be trying to find it out. You know what I mean? But, I'll try.

Beall: Okay. But, don't put yourself in any kind of position. We don't want that.

V. Shuey: No, I mean, all I can do is ask and if they volunteer, they volunteer, if they don't, they don't. You know what I mean. It is just making contact with Jay Davis I'm scared to death. Alex Sacamoto is going to kill me. You got to let me stay at you place. You have got to help me out of the bind, blah, blah, blah—

Beall: Right now, you obviously have heard something about some public officials.

V. Shuey: I wasn't involved long enough really to know. I mean, I know that they say, like they would say— In Kleburg they have some people.

Beall: What about the Sheriff down there?

V. Shuey: I don't know wheather it is the Sheriff or wheather it is the Deputies. I don't know who it is. But, they have a handle in Kleburg. They have handles in Irving.

Beall: How about in Collin County?

V. Shuey: I don't know where that is.

Beall: Collin County is up North of—

Kennard: Call this counties name.

Beall: Alright. Johnson County? Do you know anything about this county?

V. Shuey: They are bastards here.

Beall: Okay. But, you dont know anything about any officials being crooks?

V. Shuey: There is no officials crooks here.

Beall: Other than Kennard.

V. Shuey: Kennard is not a crook. He would chop my fingers off for a dime and go buy a cup of coffee with it.

Beall: (laughter) Okay? Have you heard of any state senators in Texas. Have you heard of any of them being taken care of here in Texas? That might be getting a little cut of this money? You know as well as I do. Just like you said, Hawaii is bought and paid for. How come it is bought and paid for. Because some high state officials have been taken care of. That is the only way it can operate. So, we have got a problem in this state. I am aware of it and a lot of other people are. And, the only way it can operate is you have got some people up in high places taking care of it. Have you heard of any of those?

V. Shuey: I know that it is happening but I don't know who. I wasn't involved long enough because I only came here for one reason. To save my own ass. And, I was only interested in meeting people that could save Velma Lee's ass. I wasn't interested in the people that was on the tape because they were going to hurt me. They were after my property and they were after my business, and they were after my mind and my knowledge which I gave to Jay Davis to gain his confidence long enough to get my ass in Texas.

Beall: Alright. You got here.

V. Shuey: There is only nine massage parlors here and I have got two of them. Right? Jay Davis has two of them. Sam Cory has three of them and Jim Floyd has the other two or three of them.

Kennard: Are you'll partners?

V. Shuey: Who?

Kennard: These people you named?

V. Shuey: Am I partners with any of them?

Kennard: Yes.

V. Shuey: None of them except Jay Davis.

Beall: On the hiring part of the girls, does Jay Davis hire girls himself?

V. Shuey: No. They are too smart.

Beall: They have got Susie Gross and—

V. Shuey: Velma Lee Shuey—

Beall: —and some of these other girls doing the work.

V. Shuey: Velma Lee Shuey never would hire any of those girls for Jay Davis because I didn't want to get squeezed like I did in Hawaii. I had already been there.

Beall: But, they are smart enough to keep someone else doing that kind of work. All the paper work and everything is going to be— Somebody else—

V. Shuey: Through an attorney's office in somebody else's name.

Beall: They can always get it back from them through paper work, you are saying, if— I'm taking the property. It is in my name. But, they have got it fixed, paper work wise, where that can't happen?

V. Shuey: That is right. Actually, it propably couldn't happen because they don't want to expose themselves. Right? They are going to let the girl have it and it is going to fall to her heirs. But, they are not going to let her heirs be able to sell the property.

Beall: What you are saying is that if she does that, it is going to be here heirs. She is dang sure not going to get non of it, because she will be dead.

V. Shuey: That is right.

Beall: Most of these places that you know about, are aware of in this area that are operating— Do they usually run three or four girls? Most of them?

V. Shuey: Three or four girls, as far as I know.

Beall: Have you heard anything about trailer house operations?

V. Shuey: Yes.

Beall: Kleburg, particularly.

V. Shuey: The Geisha House. They were busted for prostitution.

Beall: That is right. A lot of them have been. There was a bunch of them just busted yesterday. Right. They are busting them all over.

V. Shuey: Garland. They were busted. Right. Irving. I don't know. I don't even keep up with it because it is the same pattern. It is the same shit.

Beall: What if you wanted to call Jay Davis right now?

V. Shuey: If I called Jay Davis?

Beall: If you wanted to. I say, how would you do it?

V. Shuey: I would dial his number.

Beall: What is it?

V. Shuey: 252-8075.

Beall: Is that his house?

V. Shuey: That is his home phone.

Beall: Is that a non-published number?

V. Shuey: I don't know. I've never— That is the way to contact Jay Davis. I've never called information to find out because I had his phone number.

Beall: Is there any other people in Dallas you call and talk to? Other than girls?

V. Shuey: I knew what they were. I knew what the operation was. Velma Lee came to Texas to save her

Beall: You've never heard of him. Susie Gross?

V. Shuey: That's Jay Davis' girl.

Beall: Girlfriend?

V. Shuey: No. She is the same as Velma Lee Shuey is with different copies in Dennis White's office.

Beall: How about Vada McClure? Have you ever heard of her?

V. Shuey: I've heard of her. She is the same as Susan Gross would be for one of those other guys.

Beall: This Dee Dee was supposed to have been arrested, though, and you don't know her last name. She is supposed to be the girlfriend of a Louisiana man? Do you know who in Louisiana?

V. Shuey: If you gave me a list of names I could pick it out, but, I have forgot.

Beall: Is he supposed to be a syndicate man?

V. Shuey: He is one of the top syndicate men.

Beall: The name wouldn't be Carlos Marcellus, would it?

V. Shuey: Yes, it would.

Beall: Dee Dee is his girlfriend when he comes to Dallas or just all the time?

V. Shuey: Just all the time. This is just heresay through Jay Davis. How he has his all sewed up. And that they are going to operate in Louisiana.

Beall: So, he is putting the story down that he has some strong ties too with Carlos Marcellus?

V. Shuey: Yes.

Beall: So, you are here and you agree to go into partnership, and this thing gets to rolling, and then what do you do? You come upon this property here in Dallas?



Beall: He agrees to get rolling. We go out and find a place—I work for him in October. November he flies to Hawaii, and we look at my property over there. We come back and we are going to have an agreement. All of a sudden he wants \$35,000 for his interest and he holds the land for his two massage parlors or else—in trade and he holds the land which is no good for me because I know he is going to put heat on me—. I am going to pay \$35,000 for nothing. Right? Because when he put heat on me— He owns the land, he owns the building. It's going back. And, he has already told me all the people that he knows. Plus, when he went to Hawaii he met — Somebody came around. And, Jay Davis is nobodys fool. So, he made contact with Hawaii, I feel. I felt at that time because from then on he was gung-ho to go but it was at a turtle pace. Before then it wasn't, but he had gotten the word to freeze me out. They wanted me back.

Kennard: How did Alex go for that?

V. Shuey: How did Alex— I don't explain all of this to Alex. Alex is a simple minded person which I can say— All I got to do is say Alex I have got to keep Waialae going. I've got to make money. I've got these bills to pay. He is going to go back and tell these people that I am really interested in keeping Waialae going. That I know I have got to make my land payments, and that I'm struggling hard to pay them.

Kennard: Is he big enough to keep Davis off of you?

V. Shuey: Jay Davis? Alex Sacamoto? Alex Sacamoto could scare the shit out of anybody and kill them

without even batting an eyelash.

Kennard: Could he Jay Davis?

V. Shuey: Well, I mean, it is like this in the syndicate, the way I get the reading— If somebody killed a police officer they are not going to let it rest. They are going to come after you. So, you are not going to go up and kill a police officer. You know sooner or later another policeman, wheather he has to say it is self-defense, or what— He is going to shoot that man. So, you don't kill a Jay Davis or you don't kill Alex Sacamoto, per-say, or Joe Eng, or any of these other people because you know that your ass is going to get blowed off. So, these people know that they can talk man to man, bullet for bullet. But, knowbody is going to do nothing unless somebody gives an order. You know what I mean?

Kennard: All I'm wanting to know is, will Alex let somebody push you around? If you said Alex, Jay Davis is pushing me around. Get him off of me. Is he big enough—

V. Shuey: He would get him off if the orders came to get him off. But, if the order came for him not to, he wouldn't.

Kennard: Who is going to give the orders?

V. Shuey: Hawaii would—

Kenard: Hawaii don't run Dallas. Hawaii don't run Dallas, now.

V. Shuey: This is why I am in Dallas. Okay?

Kennard: You said the orders had to come from somebody. Who would give Alex the orders?

V. Shuey: Well No. 1, you are getting a way off the track because Hawaii is not stupid enough to foul

ass. I didn't want to hear those girls stories. I didn't want to hear their problems. I didn't want to get involved. Because I know the same thing is happening in Texas that is happening in Hawaii. And, the less people that I had to look over my shoulder and worry about pushing the button on me, was only better for me. So, I didn't want to talk to them. You have to understand this. I didn't want to know.

Beall: If I ask you one of this type questions just tell me, no, I don't want to answer. Because I am going to ask anyway.

Kennard: No, don't tell him you don't know. Say you don't want to answer.

V. Shuey: Okay.

Beall: Off the top of your head, if you can, I'd like to know one girl that worked about— Pat was not there working. She was gone. Because you and Alex was driving there car and your car was gone. Alright, during this period of time who was the girl that worked there by herself most of the time? She had hair about like this and kind of reddest, and she was a little heavy.

V. Shuey: May?

Beall: I don't know. I don't know May. I have never seen May, so I don't know her personally.

V. Shuey: We haven't had to many girls answer that—

Beall: Do you rememter though, during the time that Pat was gone? And, you had one girl working most of the time. It had to be May Hazelburg. May Hazelburg?

V. Shuey: As far as I know.

Beall: Did I discribe her? She is kind of heavy? When

I say kind of heavy, you know, she is not built like this. She is kind of like that and kind of medium height?

Beall: That sounds like May to you?

V. Shuey: As far as I know.

Beall: That sound like May to you. What kind of car does May drive?

V. Shuey: VW

Beall: A red one?

V. Shuey: A red one.

Beall: Arkansas tags on it?

V. Shuey: Texas tags on it.

Beall: Did it have Arkansas tags on it at one time?

V. Shuey: It did at one time. But, when she came over here she never drove it with Arkansas tags on it. She waited until it was tagged here in Texas.

Beall: It sit right behind your house all the time?

V. Shuey: It did.

Beall: There was a guy that was there during this period of time that I haven't found out who he was yet. For my own curiosity. I'd like to know. A black headed man. He usually wore white shoes. He sometimes wore a white belt and sportcoat. He would come in in the morning and he would be there all day, and then he would leave at night. Who was that? It wasn't Herb. It wasn't Delbert.

V. Shuey: It wasn't Delbert?

Beall: No, Delbert has got one arm. If I show you a picture do you think you can figure out who he was? (Stopped tape)

Beall: Alright, this litle girl that was down there that was working as Sheila— How long had she worked

for you?

V. Shuey: Three weeks.

Beall: How did you get on to her? How did you find her? Or did she find you?

V. Shuey: She came in and applied for a modeling job.

Beall: This Sheila, the colored girl. Had she worked for Jay Davis?

V. Shuey: No.

Beall: How about Sherry, or Sue, what ever her name is— Susan.

V. Shuey: She is Jay Davis. He has got her there.

Beall: Jay Davis's girl. He has got her where?

V. Shuey: Over at Burleson telling him what is happening and what is going on and to protect interest of his without him being around.

Beall: Alright. You have got this place going down here in Burleson and making a little money. You are surviveing. Is that what you are trying to do?

V. Shuey: Barely.

Beall: Alright, are you making yourpaments on your land?

V. Shuey: So far.

Beall: Are you still in the real estate business?

V. Shuey: I still have a license real estate.

Beall: Do you still do some business?

V. Shuey: I would if I could but it is only in Hawaii. And, if I could find the time to take it in Texas I'd take it in Texas.

Beall: Did you ever have any employees when you were in the real estate business?

V. Shuey: I'm just a salesman. I'm not a broker. You have to be a salesman for two years before you can

become a broker. And, I think they have changed the law around in this last year.

Beall: Do you— And, I am going to get down to some "nitty griddy" now and I want it. I want to hear it. You mentioned a while ago some public officials in Hawaii. Alright, you mentioned a Sam King. What is he?

V. Shuey: He is a Federal Judge.

Beall: In your opinion this man has been bought and paid for? By the syndicate?

V. Shuey: In my opinion?

Beall: Yes. Alright, did you hear that he was? Have you heard that?

V. Shuey: It is not really stated but it is just— winked and confirmed.

Beall: Well, sure. That is what I am talking about. We are not talking about going to court. We are just talking about what you know.

V. Shuey: You don't have to worry about your Federal Income Tax because Sam Cory will pass— pass it on by when it comes there. Like he did for Palough.

Beall: Sam Cory?

V. Shuey. Sam King.

Beall: Sam King. Okay. Let's see, you mentioned someone else a senator, a state senator?

V. Shuey: Hiram Thong.

Beall: Is he also bought and paid for by those people?

V. Shuey: Yes he is.

Beall: I am aware when you mention these people that you are not going to be able to go over there and say, "Hey, he is a crook and here is the proof", because there is not going to be any. But, we need to know



it. Okay?

V. Shuey: But, they have blocking. They have one step and under. Just like they have Susie Gross— Your never going to get it.

Beall: I am aware of it. But, still I am going to want to know about it. If there is ever any business over there I am wanting to know about it.

V. Shuey: And, they have Judge Doye and they have Greenstein, the attorney. Greenstein can touch several Judge's. You can set and read the papers and see and figure it out.

Beall: It is apparent to me to look at Alex's record. The man has never done any time and yet he has been convicted of several offenses. Of one felony, and yet he has never done any time anywhere. It is obvious that somebody can take care of them over there. We don't know who. But, you are helping us and giving us some ideas who to look for.

Kennard: Do you know Wong?

V. Shuey: No. Is he a policeman?

Kennard: Lt. Whitford? Do you know him?

V. Shuey: No. But, I mean, the criminal man on the police force is—

Kennard: Do you know Judge Fairbanks?

V. Shuey: No, see if it really got down to the nitty griddy I could go reading in the newspaper, the same as you can do. And, you watch, the attorney's will put the cases off and set them aside until this Judge hears the case.

Kennard: How about Francis

V. Shuey: He is the Police Chief. He is on tape.

Beall: When you say "on tape", it is against the ru-

mors of what you hear and what your suspect. Okay.

V. Shuey: This is my opinion.

Beall: When you were in Hawaii did you ever have any trouble with the police? Did you ever worry about the police closing your business down?

V. Shuey: That was because I was a good girl.

Beall: What about some of your girls not being good girls?

V. Shuey: That was between them and the people that they dealt with.

Beall: But, if an under cover officer came in there and bought a little sex from one of your girls in there, they might put a little heat on you as being the manager of the place.

V. Shuey: Not if we fired the girl.

Beall: Well, you wouldn't know about it until it was to late. In other words, you wouldn't know she had done this until they come to you and said, hey, here we are. On such in such day we had sex with this girl, or we got an offer, or what ever they do over there. But, you never worried about that?

V. Shuey: You did worry about that. But, you can not be a baby sitter and control everybody 100%— It's just like you would hire 100 policemen. Right? Some of those guys are going to be on the take. You can't help it. There is a bad apple. Even girls— Even if you hire them as a straight masseuse, or straight nude model, or straight anything. You have them sign a form. They are going to need to buy some whatever for their boyfriend and they are going to "turn a strick". I mean, you set up lie detector test, and polygraph tests, and put peep holes on the doors,

and you put tape recorders in their rooms— Those girls don't care because they love that man.

Beall: Did you give those girls polygraph tests?

V. Shuey: Not in Hawaii. We didn't go into that over there.

Beall: Do you here.

V. Shuey: I haven't.

Beall: Do you know of anybody that does?

V. Shuey: All of them give it. But, it is a big joke. They laugh at the police department. They say, "They believe that we run a straight place because we give a polygraph test because the police department believes in the polygraph test."

Beall: Oh, I know. But, they don't actually do it then, is what you are saying? If they give them the test, it don't mean anything? Is that right?

V. Shuey: It means something. They send the girl down when they decide they want to fire the girl. They send the girl down and give her a polygraph test. If she come out no good, then she files and they believe — They say the state of Texas believes that they are running a straight massage parlor because such in such took a test. Sure she was doing it. We fired the girl. We got rid of the bad apple. We hired a new girl—

Beall: —and we give all our employees this test and if they turn up bad we fire them immediately. Is that right?

V. Shuey: Right.

Beall: But, this is not done. They just wait until the time they want to fire her. Is that right?

V. Shuey: That is right.

Beall: Back to this Hawaii deal with the police. You

had no problems with the police?

V. Shuey: We had problems. We were busted.

Beall: Were you? Did anything come of it?

V. Shuey: Sometimes it did. It is the same thing. We got rid of the girl. She got fined and deported. If the girl whipped in line she was lucky and got off.

Beall: Did you know any vice officers that were over there that were on pay off, on take?

V. Shuey: Logan England, he was a vice officer, was and he was promoted to something else— I would have to sit down and read the names. They are not— I mean, that was '68, '69, '70, '71, '72. Right? They are people there. There are people in ever state.

Beall: Do you know of— I am going to ask you this now. Do you know of anybody— You can't prove it I am sure. Do you know of anybody that has been murdered, as a results of any of this massage business, or anything else?

V. Shuey: Harold "Biggie" Chang was murdered because of dope in massage parlors.

Beall: Okay. Do you know who murdered him?

V. Shuey: Nappy—

Beall: Seen that it was done?

V. Shuey: —ordered it.

Beall: Do you actually know who done it?

V. Shuey: They say that "Guns for Hire" gang did it. And, they did do it.

Beall: "Guns for Hire"?

V. Shuey: That man— What is the name of it that robbed the Liberty House bank? They did it.

Beall: They did it?

V. Shuey: They did it.



Beall: Do you know of anybody that Alex Sacamoto has killed?

V. Shuey: He don't ever tell me that. He is not going to incriminate that. I said that I assume and have heard of a senator.

Beall: What senator? What state?

V. Shuey: Hawaii.

Beall: A senator was killed two years ago in Hawaii, gangland type slaying. Is that the one you are talking about?

V. Shuey: Right.

Beall: And, you have heard rumors around that Alex did it?

V. Shuey: It wasn't Alex. It was through Biggie Chang. I don't know if Alex was the actual one. This the way they would say it. They would say that anybody can be murdered. Number one, the President was murdered in Dallas. Right? Okay. Then they say the Senator in Hawaii got his. And, Alex could hit you. That would be the way it would be. It would say that Alex did the Senator. Right?

Beall: Well, do you think that Alex did the Senator, in your own mind?

V. Shuey: In my own mind? I don't know whether or not the man is capable of cold blood murder or not. But, I mean, the man scares me. I am scared of the man. I mean, it is the same as saying did Jay Davis do such in such? Nobody can ever prove anything. All they can do is state facts. People was killed. Right? The President was killed. The Senator was killed and Alex is like going to kill you. You know? And, I mean, as far as me saying that they told me

that Senator— was killed by Alex— They would never tell that to me. Do you understand what I am trying to say?

Beall: Sure. That would be stupid. But, you can draw your own conclusions. I do that every day. Nobody is going to tell me—

V. Shuey: I believe that Alex Sacamoto would kill me if I did not do what I was supposed to do. has killed?

V. Shuey: No. But, I mean, it is just like— I wouldn't know—

Kennard: Who determines what you should do and what you shouldn't do? That I am still kind of confused on. I asked you a question a while ago. If Alex would handle a guy in Dallas if it was necessary? No, it is not there. But yet, you say if you did something wrong, Alex would handle you. Who determines what you do wrong?

V. Shuey: That would be in Hawaii.

Kennard: No. I am talking about right here.

V. Shuey: They can not handle me in Dallas. This is why I left Hawaii. Because they don't know who I know in Dallas. I've always led them to believe that I know people in Dallas and you guys had better not come up here and bother me. Because I was from Hot Springs Arkansas. I don't know anybody or I would have ran a long time ago. I wouldn't have waited until this year when they finally opened massage parlors again. I have read it. This is the first year they have had them up here in Dallas since 1958. I wouldn't have waited six years to come to some place that I figured that I might have a chance.



I wouldn't have loaned out— paid out— slaved and sweated and spent blood money to live another day longer in Hawaii until I found another place to go. I knew they had New York. I knew they had Chicago. I knew they had L.A. and San Fran. Those were out. Nevada is out.

Beall: How did you know?

V. Shuey: Because. It is just like—

Beall: You are talking about rumors.

V. Shuey: It is all rumors but this is no rumor.

Beall: Okay. We are going to get to that too before it is all over.

V. Shuey: I don't mean it like that but—

A. Stone: It is command knowledge?

V. Shuey: You better believe it. Just like you know a policeman is going to arrest you if you sell dope on a street corner long enough. You are going to get arrested. Or if you turn tricks long enough you are going to get arrested.

Beall: What about narcotics?

V. Shuey: Nothing! I have never been involved in that. I never will be.

Beall: You don't know nothing about narcotics? Do you know anybody that was ever involved in narcotics?

V. Shuey: No. That is out.

Beall: Do you know Jackie Simms?

V. Shuey: I have met Jackie Simms. If she smoked dope, took shit— what ever you call the stuff — I never even saw the stuff until I looked at it on this board. I don't even know what it looks like. Honest!

Beall: Do you know any rumors about anybody that

was involved in narcotics.

V. Shuey: No.

Beall: How about rumors of people in narcotics?

V. Shuey: That was a no no— I never felt bad about selling myself because a guy knew what he was paying for. If he didn't want this shit he didn't have to come in. If he wanted to pay out he knew what he was paying for. I didn't feel like I was stealing, and I didn't feel like I was pushing shit on some kid, and I just don't like people like that. If I paid out a percentage of my money to "turn tricks" I still had some left over and I was happy with it. So, I just felt like that was something that was going to happen whether I did it or somebody else did it. That was happening. That wasn't hurting anybody. A man is going to go get it whether he gets it in a cocktail lounge and picks up V.D. or whether he goes to a Whore House and gets it and don't take home V.D.

Beall: Do you think they ought to legalize prostitution?

V. Shuey: I think they should.

Beall: Why?

V. Shuey: Because 90% of the wives don't know how to give a blow job to their husbands and most husbands like that and they are going to get it some place. And, if they don't get it from their wives they are going to pick it up where there is a cocktail waitress or a teenager on a street corner or a rape—

Beall: In other words you would go for operating a place where prostitution was legal and you run the place and give the state a percentage of the take? Is that right?

V. Shuey: I think it should be done that way.

Beall: You don't think the syndicate would get a hold of it through the officials?

V. Shuey: They certainly would—

Beall: Then what have they accomplished?

V. Shuey: They have created a place for the military people to go without being afraid of being busted and without being afraid of being— having to become a homosexual because they need sex because they are in Viet Nam and afraid to pick up dry rote. Or, being on a boat for or a ship for ninety days. That is not right. The federal government forces people to become homosexuals—

Beall: I spent a year and a half over seas—

V. Shuey: Did you do without sex for a year and a half?

Beall: No. But, they didn't force me not to. That is what I am getting at. I mean, I don't know of anybody being forced not to.

V. Shuey: They say if you come in with V.D. you are busted.

Beall: Okay.

V. Shuey: Do they?

Kennard: Not if you use a

Beall: No.

V. Shuey: But, I mean, there are ways to get around anything. But, I mean, they say legally you are going to get busted of your rank if you come in with V.D. And, they say this place is off limits and that place is off limits and this place over here in okay.

Beall: Hey, by the way, I meant to ask you about the girls over here—What if you hired one over here and she had a little V.D. and spread it around? Wouldn't

that tare your business wide open? Do you check them?

V. Shuey: What business? What business? They get a straight massage at Burleson. (laughter)

Beall: Now, we had said something about doctors and the possibility of the girls getting V.D. Most of the times would the girls get a check up? Would they be required to get a check up?

V. Shuey: Yes, they would.

Beall: Regularly?

V. Shuey: Regularly.

Beall: Right. Or, they couldn't work?

V. Shuey: Or, they couldn't work.

Beall: Your experience, or has it been your experience that a girl won't stay long with this, or will she stay with it a year or two, or go on th bigger and better things?

V. Shuey: Different strokes for different folks. It depends on the girl and the management. If they have a good manager the same girl would work for a year. If it is a good manager. If she is no good it is three weeks at the most.

A. Stone: Are there any certain requirements? What kind of requirements do they have to have?

V. Shuey: Do a good job.

Beall: That is the main one?

V. Shuey: That is the main one. If you can't— A guy can go home and get a straight lay from his wife any day of the week.

A. Stone: Of course, you tell them what will be expected of them?

V. Shuey: No, we don't. You hire them straight out on

a percentage to do straight massage.

Kennard: But then, if they don't sell tricks you don't work them long?

V. Shuey: Not necessarily because certain girl if they are nice and neat some guys would just as soon have a straight massage and tell that girl his problem. All he wants to do is tell the girl his problem. Not every body comes to a massage parlor for sex.

Beall: 95%.

V. Shuey: No, not 95%. Really not. Honest. There are some guys that would rather lay on a massage table and spend \$12 than lay on a psychiatrist table for \$25. All he wants to do is rap how terrible his secretary is, or how terrible his wife is, or how all his bosses or all his partners is screwing him. I mean, he has just got to tell somebody. And, he don't want to go down to the neighborhood bar and tell it to the bar tender because it is going to go back. Or, he don't want to go down and pick up a cocktail waitress—She is going to black mail him.

Beall: Damn, we have about covered it. My mind is about to get blank.

A. Stone: Has any of this black mail ever entered into the picture, since you have been working along these lines?

V. Shuey: What black mail?

A. Stone: Any black mail?

V. Shuey: They don't black mail you. They threaten to kill you.

A. Stone: I am referring to customers that come in.

Kennard: He is referring to you a setup gal or some other gal a setup gal for a couple of

V. Shuey: What do you mean?

A. Stone: If I come in there and get some sex, is there a camera over here taking pictures of me. Or, later on do you make me believe there is a camera?

Beall: Not necessarily yours, he means any operation. Have you heard of—

V. Shuey: I have never heard of it in Hawaii.

Beall: How about here?

V. Shuey: I have heard that it has been done here.

Beall: Which place?

V. Shuey: Not any place. I have just heard that they would do this if they needed any government official. They would put a girl in on him and give him a free time.

Kennard: They have had a lot of that going on. A good looking gal picks up a wealthy guy up in a hotel room. Business man, he goes in. They get a thing going. They kick the door down and there is her husband. You son of a bitch, what are you doing with my wife. I mean, that is an old thing. And, that is what I am asking about. Has anywhere in the activities that you are concerned with has that been a part of it?

V. Shuey: That has never been a part of it. They don't want any part of it because they don't know what hand they are dealing with.

Beall: In your business you come in contact with lots and lots of people. People in your business come in contact with lots of different kind of people or do you know anything about any burglars or thieves that are operating— car thieves— people that steel televisions and that sort of thing?



V. Shuey: You have to understand this. In operations like mine You are either in dope, your in prostitution, your in car fair, your in T.V. fair, what ever you are in. They are each closed doors. Nobody talks. Nobody associates with those people.

Beall: What about rumors? Some of your girls maybe comment. hey, you need a T.V.?

V. Shuey: I never bought any of that stuff.

Beall: But, did you ever here about any of it?

V. Shuey: Right around here in Texas?

Beall: I'm talking about anywhere.

V. Shuey: It is not talked about. The same as that other — They go sell it— If there is and I have read it in the paper and I know you have read it. It happens. It is never talked about. Not to me. The other girls might talk about it but I am too high up for them to come and talk to me, in their opinion. Do you understand? I am going to tell the other guy, hey, this little brat is running off at the mouth. You better shut her up because I don't want her in my parlor. You know what I mean? So, they are never going to come to me. I don't know how else to explain it.

Beall: Well, in your position that you have, I figured you might have more contacts than anybody else about if you needed—

V. Shuey: I am secluded. I am secluded because if I needed a car or if I needed a T.V. I go to my boyfriend either Alex Sacamoto or Joe Eng and they bring it to me. If I needed it. But, they would never do that for me. They would say you go buy yours with cash because you are too high up to get involved in that shit. And, you make enough money that you

can go out and buy your stuff legitimate because you know people are watching you. You can't afford to have anything hot around your house—

Kennard: That is kind of like trading pennies for dollars.

V. Shuey: So, they don't allow it.

Beall: Is there ever, that you know of, that they allow alcohol in those places?

V. Shuey: No, it is like I said. Everything is closed. Anything that could afford or possibly interfere with anything they have got going, is absolutely a no no and had better not be there, and it better not be served. That T.V. had better not be there or that car better not be bought. It is just absolutely— even clothes. They won't allow you to buy clothes. It is just a no no. You are making damn good money. You go down to K Mart and buy your clothes, or go down to Sanger Harris. Where ever you buy your clothes you buy them.

Beall: Do you feel like— we were talking about a while ago about policemen. You said everybody has got there own mannerisms and you can just tell. Do you think you know when a policeman comes into your place of business? Now or when you were a working girl? It doesn't make any difference.

V. Shuey: Certain policemen you can tell. They have gotten smarter. There are under cover agents that are growing beards and dressing hippy. You can't tell immediately.

Beall: Does a beard immediately— He is alright if he has got a beard?

V. Shuey: No. It is hard. You just go on luck, asump-

tion— talking to a guy. It is like anything else. A cop is a cop and he can not get away from it. He is an interrogator. He throws questions at you rather than you throw questions at him. It is just a feeling.

Beall: Do you know of any ever coming into your places of business?

V. Shuey: Oh yes, they all come in.

Beall: Okay. Let me put it a little more specifically then. Do you know of any that have come into your place of business down here?

V. Shuey: In Burleson? No, I don't know of any.

Beall: No, I didn't say Burleson. I said down here. Did I say Burleson? No really, do you?

V. Shuey: Huh?

V. Shuey: Harold "Biggie" Chang and Joe Eng, as far as I know, in one way or another through mutual agreement, mutual friendship helped each other in various different things. If either one of them was killed the other one would take over the operation.

Beall: Do you know anything about Alex maybe going to hit Joe? Over income tax testimony?

V. Shuey: Alex would not— Joe Eng is using the states protection to pay Chang for himself, for Logan Eng, for the guy that stays with Mae— Chang, what is that guys name?—that was Biggie Chang— No it is none of those names. It's Biggie Chang's right hand man that—

Beall: We never did come up with that.

V. Shuey: Well, you have got to come up with it. Because the name is very important.

Beall: Well, we can come up with it if it is his right hand man. Somebody, is bound to know about it.

V. Shuey: And, you guys also— This is another thing. But, believe me George— George—

Beall: The same George as a while ago?

V. Shuey: No, George— You have got him in protective custody. He came with states evidence. He was giving you all the information against Alema. Against Alema Leotoe, that is his name, and Farrer, and all these people. He is doing all this to gain state governments belief in him so that when you all let him out he can control the syndicate. He is trying to get rid of all the other people.

Beall: So, he thinks he can stay alive?

V. Shuey: Because you'll will protect him the rest of his life for the information he has given.

Beall: But, he is actually trying to put it to the Federals and the F.B.I?

V. Shuey: Right.

Beall: Okay. We need to get going here. Can you'll think of anything else you want to ask?

A. Stone: Do you'll want to go back over the shooting?

Beall: Yes. We are going to go back over the shooting one time. I thought I had some names I wanted to ask her.

V. Shuey: Well, when we go back over the shooting it is just going to be an accident.

Beall: Well now— On this— The tapes on now. Have you still got it in your mind that we are going to use this tape against you?

V. Shuey: No. But— I am so scared. I've got two kids and you can't expect me to say— It was an accident.

Beall: Okay.

V. Shuey: You'll can send out ballistics people and see



that it is not an accident.

Beall: I know. But, what I am getting at is if you thought we were going to use this against you, we have already got enough right there to get you killed for sure, and all we have to do is take the damn thing and send it to Hawaii. You know. So what is the difference you going to tell us about the shooting here in Johnson County?

V. Shuey: Because I just don't want to get Johnson County and Burleson involved.

Beall: You don't want to get them involved.

V. Shuey: Anyway, there is a Ronald that Alex runs with.

Beall: Do you want to tell about that?

V. Shuey: Yes.

Beall: Ronald— Yes, you told me about that a while ago.

V. Shuey: I wanted you to write his name down.

V. Shuey: There is a Ronald—

Beall: In where?

V. Shuey: Honolulu Hawaii that Alex— I would imply to Joe Eng and Alex Sacamoto and people like that, that if they came in, I know people in Texas— You don't stand a chance in Texas— You are not going to be able to come up here and wipe me out with out somebody pushing a button on you. Now, that is just strickly here-say. I don't know anybody in Texas or any place else that they don't know. Right? Because I have came to Texas. I have opened a massage parlor. And, I was partners with a guy that did have something to do with the syndicate. Whether they— or I don't whether he is syndicate or not. But, I mean,

he does own two massage parlors up here. In Hawaii peoples minds, they do believe that he must know somebody and we are friends. But, we are not. Do you know what I mean?

Beall: Okay. You mentioned a while ago something about—

V. Shuey: Well, anyway Alex said, "Okay, go ahead and laugh". "I'm coming to Texas." "If you guys bump me off up there I am going to come up and take care of you at a later date. I mean, he uses this to cover himself. Which he is nobodys foul. I don't know if he is anything or not but, I mean, if Alex isn't doing anything they are close friends and Ronald if he don't do it, he will tell somebody else. And, if you watch through that you will pick up whatever is going to happen.

Beall: Okay. Where does Ronald hang out?

V. Shuey: Everybody hangs out at Bakery. There is a Junior Boley and a— Please don't put this down. This is really shit. Just write it down. Junior Boley— I mean, this is fouling with Alex Sacamoto and I don't foul with him.

Beall: Okay. In Honolulu, Alex calls Ronald and talks to Ronald. You mentioned the fact that he said something about bringing some fishing equipment like we talked before and that would be the signal for him to hit somebody?

V. Shuey: Right.

Beall: They use a code?

V. Shuey: Right.

Beall: So Alex is in contact with Honolulu by telephone?



V. Shuey: Just like on me. He wrote somebody—I read the letter. I didn't pay any attention but then it clicked and that is why I relaxed when the gun bit came because I knew it wasn't no game. It was for real. You know I mean like Alex might have pulled a gun on me say while I was in Hawaii and I would have laughed because I knew he wasn't going to do anything to me because Joe Eng was going to cover him. You know? But, I know— You laugh, it ant funny. He wrote to Turkey, his name is Turkey. I don't know his real name. Now, he sayes please ship me my fishing gear. Well, I know that that— I already knew that when I read the letter that Alex don't plan to stay here long enough to send any shipping gear up here. And, why should he send shipping gear up here when he takes the money from the parlor and he has it in the pocket even though he is going to— And, what happened to all that money when you'll arrested me? I have got to have that money for that property payment. Is it still going to be— Is he going to be out? And what is going to happen to the—

Kennard: How much money has he got?

V. Shuey: He has got about \$800 that I have got to have for a payment. \$800 or \$900.

A. Stone: I have got \$45 of your that was laying on a table over there.

Beall: Turkey is the same as Ronald?

V. Shuey: No. He is a different guy. But, he is a innocent guy. He don't know that he is delivering messages when he delivers them. I mean, he is naive. I will put it this way. He is fouling with the boys but

he is a small potatoe and he just thinks it is really neat for them to go out and buy him breakfast. And, when the tell him, hey Turkey, go drop off this lawn mower, well he don't know that he is giving somebody else a code like the job is finished. Do you understand what I am trying to say. He don't even know. But, I mean, he might know, but I don't think he knows. But, you need to write Larry Mehow on that too.

Beall: Larry who?

V. Shuey: Larry Mehow. And, that name, if it comes up—

Beall: How do you spell it?

V. Shuey: I don't know.

Beall: Say it again.

V. Shuey: M-E-H-O-W Mehow. But, if that name comes up— That is a name that they might have just throwed at me to know that I talked hoping I would give it. Do you know what I mean? Because I don't know—

Beall: What do you know about him?

V. Shuey: I don't know a thing about him. Alex always just throwed that name at me.

Beall: In what way?

V. Shuey: "Oh, don't worry." "I can handle Joe Eng through Larry Mehow." And, he is supposed to have a big home on the big Island, and lives there like a top syndicate man that don't ever get involved in anything. He has got all these runner out here doing it and he is sitting here like "King Pin," doing it. But, they might just have that as a name saying, "Ah ha, she talked." "Bump her off."

Beall: Okay. Ronald you don't know? Everybody hangs out at

V. Shuey: Profit Bakery.

Beall: Is that a Bakery? Do they bake bread?

V. Shuey: Yes, they bake bread and everything. If you will just stand on that street corner and take pictures for thirty days you will have everybody.

Beall: Where do they meet in the top of the Bakery? Do they have some special room in the top of the Bakery?

V. Shuey: No, they just go in and have a cup of coffee and drop a coded thing and buzz off. Waikiki Grand Hotel.

Beall: What is the name of that hotel?

V. Shuey: Waikiki Grand.

Beall: Waikiki Grand Hotel. And, that is where they hang out too?

V. Shuey: Yes.

Beall: Any special place at that Hotel?

V. Shuey: Coffee Shop or Cocktail Lounge.

Kennard: If we are going to play this cool we had better start wrapping it up.

Beall: Do you know any "Pimps"?

V. Shuey: Not to say "Pimps", because I am not—they have to be the girl—That is like the working girl has a "pimp". Right?

Beall: Right. Like somebody would bring them down and put them to work for you or something like that.

V. Shuey: No. Why do they want a pimp in on what they have already got set up? It is like he said, pennies for dollars. They don't want another guy in

there. That is just hacking the profits up is what I am saying.

Beall: Well, I mean, the pimp wouldn't get nothing from you. What the pimp would do is bring her down there and let her work for a while. He would get every bit of her money. None of yours, but every bit of hers. But, what I was getting at was I thought maybe they might have been bring somebody down there. For instance that little girl, a friend brought me down here.

V. Shuey: But, I mean, they always frowned on pimps because pimps are pimps. A pimp stands out. They don't want pimps around what they have got as a sophisticated operation already—type situation. Do you know what I mean? That is just like they don't let, you know, T.V. and dope and prostitution cross over. The pimps have the girls out on the streets, most of them, not in a working place. I don't know. I never was dealing with any of those. Maybe other parlors have them. I don't know.

Beall: Other what now? Parlors?

V. Shuey: They may have them. I don't know. As far as I know it was taboo. I know there is girls that have "old men" as they called them, and they would work for them.

Beall: Do you know anybody in Ft. Worth?

V. Shuey: No. It is like I said, I didn't want to meet any of these people here in Texas. I had enough people to worry about. But what I would like for you to find out, though, is how come the Geisha House of Massage can advertise in those papers and they are doing the same thing.

Beall: Who told you that you couldn't advertise?

V. Shuey: All three of the papers.

Beall: You just called them an asked?

V. Shuey: No. I went down there personally and they sent me back my checks.

Beall: Who did you talk to?

V. Shuey: I don't know. Who is ever in charge of all those departments in the personal advertisement column, classified. I went clear to the top.

A. Stone: They pay off?

V. Shuey: I know they pay off. But, I mean, he has to know that.

Beall: But, you don't know the names of who you talked to?

V. Shuey: I went from just a peon to the head of the classified personal department.

Beall: Did they give you a reason?

V. Shuey: They told me that my operation was ran illegally and they weren't going to be—That they could not afford—This is exactly what they said. They said that somebody told them that I was running an illegal operation and if they advertised my massage parlor in their paper, that they would be sued for contributing to—like publicizeing for an illegitimate business. I don't know how you call it. But, how can they discriminate? And, that is in Waco, and the Ft. Worth Press, and Star Telegram.

A. Stone: Well, how can you discriminate?

V. Shuey: Huh? How can they discriminate?

A. Stone: How can you?

V. Shuey: How can I? What do you mean? I am a citizen. I am intitled to freedom of the press.

A. Stone: Yes, but if I walked over there and don't get what I come after, well, you are discriminateing.

V. Shuey: You came after a massage and you will get a massage.

A. Stone: Yes, but what if I didn't come after a massage?

V. Shuey: That is tough shit. That is what you paid for.

A. Stone: That is discrimination.

V. Shuey: That is not discrimination. You came in that door and bought a massage and bought it with powder, lotion, oil, or alcohol, or you bought it with a whirl pool, or a stem bath, or whatever the hell you bought. That is exactly what you bought. Nothing else.

A. Stone: And, if I go back to the back and I try to get something on the side, you never turn anybody down back there?

V. Shuey: You know for yourself we turn people down.

A. Stone: Discrimination.

V. Shuey: That is not discrimination.

Beall: That is trying to keep from being busted is what that is.

V. Shuey: That is patting them on the back and saying, "Hey, man." "Let me see your—whatever." Don't you send anybody in on me. I would just die with a heart attack after all this.

Beall: May I say, we don't need to. We have already done all of that.

V. Shuey: Thank God, I wasn't working.

Beall: Oh, but, you were one time.



V. Shuey: Who me?

Beall: Yes ma'am.

V. Shuey: That was Bill Bailey.

Beall: Bill Bailey? I don't know Bill Bailey. This guy might have given you the name of Bill Bailey. I don't know what name he used. I don't have any idea. But, you haven't discribed him to me.

V. Shuey: He is very skinny. Very, very skinny. Probably as skinny as he is.

A. Stone: Slim.

V. Shuey: Slim? Skinny. But, he has a bigger nose.

Beall: Boy, it is going to be as interesting a hell to me to see how you are going to explain this to Alex Sacamoto. Haveing no charges filed on you. Did you know it? Have you ever heard of Jean Romines?

V. Shuey: The Jean that used to work for Jay Davis? No?

Beall: Wanda Jean Barnes?

V. Shuey: Yes, I have heard of Wanda Jean Barnes is a front for one of those two other guys.

Beall: Oh really? She is a whore from Ft. Worth. Do you know her?

V. Shuey: No, I have just heard the name.

Beall: She has been in the business for years and years.

V. Shuey: In fact, she had a whore house. That is where I heard it, in Ft. Worth, and she ran it for twenty years. I knew I had heard the name anyway.

Beall: Who else worked for you besides the girls that we know. We know about—Tell us the girls that have worked for you.

V. Shuey: Just Pat and me and these last two. I think

that is all that have ever worked there. I didn't ever go to heavy because I didn't want to get any more people involved than I had to. If Pat hadn't have bugged off I never would have brought these two into it. And, Sheila was absolutely straight over there at Lemon Ave., honest. No, she was. She is getting a divorce. She is scared—honest she is. She didn't do a thing over there but sit at that desk for \$2.00 an hour, the black girl.

Beall: What about since she came down here?

V. Shuey: She has turned a few tricks since she came down here but she is not—she don't want to do this. Do you understand? I mean, she is not really—I mean, there is pros. and there is girls that will do it because you need them and they want a job and they like you. Right? And, she is black and Alex Sacamoto is Oriental, right? So, he is saying please help us out. We need a girl in a bind type situation. Right? And, I mean, she is black so she is going to try to help him. She is not doing it against will. I mean, Alex is not going to try to force her. I mean, there is girls that they are in the business only because they are on the borderline, right? I mean, they would go as straight as a door nail if the door was straight. I mean, if she was working up at model, up stairs at that nude thing and she is perfectly happy to sit at that desk five days a week, six days a week if you pay her time and a half. Work seven, eight, nine, ten hours. What ever you want for \$2.00 an hour. She lives with her mother part of the time, her boyfriend part of the time. That is all she wants. She has two kids. That is all she wants is just

eating money. She don't want to do nothing. And, she don't want to get involved with it. Where this other girl that you picked up is just a born prostitute. Do you understand what I am trying to say?

Beall: Alright, Sheila, Sherry—Sheila, that is her real name?

V. Shuey: She doesn't need a different name because she never did—She turned a few trick out there I don't deny that but, I mean, I hope you don't get her involved in that stuff. with a misdemeanor on her record. I mean, that is your business, but—

Beall: Okay. May Hazelburg, you told me that was a photograph of her?

V. Shuey: Right. But, she was only there about two weeks or three.

Beall: She is back in Hawaii now. Right?

V. Shuey: No. She is in Arkansas.

Beall: She is in Arkansas now?

V. Shuey: Yes.

Beall: Okay. Has she been in contact with you by phone or any other way.

V. Shuey: She flew in to Dallas Airport and I picked him up. He was around—picked her up out there.

Beall: Who was around?

V. Shuey: One of these friends.

Beall: One of these friends around the airport or something? What is he a policeman out there or something?

V. Shuey: No. I just wanted to see his eyes.

Beall: Hey, let's don't play games.

V. Shuey: I'm not playing games. No, I really thought he was out there. I just figured you'll would know

when May left Hawaii and flew into Dallas, picked up her red Volkswagon and drove into Hot Springs, Arkansas. She is straight. There is no way that girl would turn another trick in her life. She is scared to death. Infact, I think she—

Beall: What is she afraid of?

V. Shuey: She is afraid of losing her two boys. I think the girl will have a nervous brake down over this. If anybody comes around her to much. She is a mother that has lost three babies. Okay? And, she just luckily had this last baby, which is her whole life. She lives, eats, and breaths, and works or this baby because she wanted a baby, a cuddly baby, for ten years and she has got it. And, if she thought that anything was going to take that baby away from her or anybody, you know, and prostitution would. If she was proved to be a prostitute that would be unfit and she is not—doesn't have a husband—right? So, therefore if she served a jail sentence the kid would become a ward of the court and go into a foster home or go into whatever—and she would be afraid she would loose it. And so, for that reason she would never turn another trick. To my knowledge, this is what she gives me. It is her story and I believe her because she loves the baby. She just couldn't wait to get off that plane and get her suitcase and what ever else she had around that place and get home. She will come back and work down at Fashion Model Shop and work down stairs in a legal business answering the telephone because I have collected money from people for composites that have to be and will be given out. I need some-



body there and she is willing to work at \$1.75 an hour, thirty hours a week.

Beall: Any Ft. Worth girls working for you?

V. Shuey: No.

Beall: Only Dallas people?

V. Shuey: I don't want any girls that are connected with any of these people. Understand that. I never would hire them.

Beall: Like Pat. Didn't she just come down and join up, sign up? She is not from Dallas is she?

V. Shuey: She is from Ft. Worth.

Beall: That is what I say. Did you have any other girls from Ft. Worth come down. Just girls come down and say I need a job?

V. Shuey: I don't want to hire them. I mean, Pat was a good girl. She could handle whatever came around. There wasn't a whole lot of business there.

Kennard: If you hire a girl you want her to be an independent?

V. Shuey: Right. I mean, just a normal every day—

Kennard: Do you check them out and see if there is any ties?

V. Shuey: You can tell. Like Sue. You know she has ties because she lives with a black man. Right? That is automatic in your mind going to be a pimp or a guy that is taking her money. Because, why would a good looking chick go to work every day and take it home to a guy?

Kennard: Now, how are you going to handle Sacramento on this deal here?

V. Shuey: I am just going to tell him that I told everybody that he owned the business. If you want to

book me go ahead and book me and I can get out on bail but I don't want it on my record and I just don't like it. I don't want to be booked. I'd rather be dead than my parents ever figure me out that I was booked in some kind of stuff.

Beall: You had rather be dead? What we try to impress on you—I personally think this . . . Boy, it would tear me up if you were to end up dead tomorrow if Alex gets out and comes down here and you can't fade it with him. But, to me—

V. Shuey: But, if Alex can get out, I can get out. Right?

Beall: Your damn right you can get out. We are not talking about that. Sooner or later you can bond out.

A. Stone: You'll get out in the morning.

Beall: Yes. But, what I am talking about is if you could say to him, "Hell yea, they busted me." "I am out on bond too." Then everything is cool, you know. Well, you know, he is going to get out and he is going to say, "Boy, what did they do to you." "Well, nothing, I just talked to them and they turned me loose." Well, bull shit, your name is on all the records. You know we are not no dummy's. And, he is going to know we are not that dumb.

V. Shuey: Well, you'll have been in it longer than me. But, if I died tonight, promise me that that—that those things will be pulled because I never want my parents to come across this.



## AFFIDAVIT

THE STATE OF TEXAS  
COUNTY OF JOHNSON

KNOW ALL MEN BY THESE PRESENTS:

My name is Michael J. Rogers, and I am the attorney for the Petitioner. My address is 3 East Henderson Street, Cleburne, Texas. I obtained the confession, which is attached to this Writ of Certiorari, from the District Attorney's office of Johnson County, Texas, 18th Judicial District on October 27, 1976.

The copy which is attached hereto is the same confession that was given by Velma Lee Shuey in the latter part of May of 1974. This statement has been continually in the possession of the District Attorney's office since it was taken.

An inquiry was made to Fred Beall, State Intelligence Officer for the Department of Public Safety for the State of Texas as to the whereabouts of this confession. He advised that he did not have a copy nor did he know where one could be obtained. An inquiry was made to Carlton Kennard and Al Stone, both of whom participated in the taking of the confession, and both denied knowledge of the whereabouts of the confession. An inquiry was made to the District Attorney's office in January of 1976, as to the whereabouts of the confession and no copy could be found. Later, another inquiry was made in the first part of October, 1976, and a copy was located. A copy was located only after a Motion for Rehearing had been denied by the United States Court of Appeals for the Ninth Circuit.

The District Attorney's office of Johnson County, Texas refused to allow the Petitioner a copy until October 27, 1976.

By -----  
Michael J. Rogers

THE STATE OF TEXAS  
COUNTY OF JOHNSON

BEFORE ME, the undersigned authority, on this day personally appeared Michael J. Rogers, Attorney for Petitioner, Velma Lee Shuey, who, being by me duly sworn, deposes and says on his oath, that every averment in the foregoing Affidavit is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME,  
on this 27th day of October, 1976.

Notary Public in and for  
Johnson County, Texas

[SEAL]